

Chapter R500 - Environmental

Part 1 Natural Resources Commission Regulations

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- Chippewa Ottawa Resource Authority Commercial, Subsistence, and Recreational Fishing Regulations for the 1836 Treaty Ceded Waters of Lakes Superior, Huron, and Michigan
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NATURAL RESOURCE COMMISSION REGULATIONS

Regulation R500-01:NR

Chapter 1. On-Reservation Harvesting Regulations

R500-01:NR-01

Section 1. Governing Provisions

1-1. *Authority.* The Natural Resources Commission (“Commission”) of the Little River Band of Ottawa Indians (“Little River Band”), adopts these On-Reservation Harvesting Regulations, with the approval of the Tribal Council of the Little River Band, pursuant to:

- a. Our Creator-given, ancestral rights as Aníshinaábek in these lands;
- b. Article Second, of the 1836 Treaty with the United States, whereby our forebears secured the Manistee Reservation for our own use;
- c. Article First, of the 1855 Treaty with the United States, whereby our forebears secured additional Reservation lands now known as Eden and Custer Townships in Mason County for our own use;
- d. Article Thirteen of the 1836 Treaty with the United States, whereby our forebears reserved for our own use, the right of hunting and the other usual privileges of occupancy on the lands ceded to the United States under Article First of that Treaty;
- e. Public Law 103-324 (Sept. 21, 1994), in which Congress reaffirmed Federal recognition of the Little River Band, reaffirmed all rights and privileges of the Band, and provided for the acquisition of certain lands for the benefit of the Band, which are to be taken in the name of the United States in trust for the Band and to be part of the Band’s reservation;
- f. Article IV, sec.7(a)1, of the Tribal Constitution of the Little River Band, which permits the Band’s Tribal Council to “exercise the inherent powers of the Little River Band by establishing laws ... to govern the conduct of members of the Little River Band and other person within its jurisdiction”;
- g. Article IV, sec. 7(f), of the Tribal Constitution of the Little River Band, which permits the Band’s Tribal Council to “create by Ordinance regulatory Commissions ... and to delegate to such Commissions the power to manage the affairs of the Little River Band”;
- h. Resolution # 03-1001-313 of the Tribal Council of the Little River Band, in which the Tribal Council directed the Band’s Natural Resource Commission to “forward [] Regulations for Tribal Council approval”; and
- i. Resolution # 97-0804-04 of the Tribal Council of the Little River Band, in which the Tribal Council authorized the Band’s Natural Resource Commission to issue licenses authorizing Tribal Members to engage in subsistence fishing activities in accordance with regulations promulgated by the Natural Resource Commission.

1-2. *Commission Findings.* The Commission finds that:

- a. Čhi mewížhn [*glos.* in the long-ago, legendary time], Gžhémnidoó had a vision, and acting upon this vision, Gžhémnidoó made rock, water, fire, and wind. Into each one Gžhémnidoó breathed the breath of life and gave to each a different essence, nature, and power, which became its soul-spirit. From these 4 substances, Gžhémnidoó created the physical world of sun, stars, moon, and earth; and
- b. Čhií mewížhn, upon this physical world, Gžhémnidoó first created plant-kind, followed by animal-kind, and lastly humankind. The Aníshinaábek creation story thus teaches the Aníshinaábek that there are 4 orders in creation: the physical world, the plant world, the animal world, and the human world. Each of the 4 parts are intertwined so as to make up life and 1 complete existence; and

- c. To each plant, Gzhémndoó gave a spirit of life, the power to provide growth or healing, and beauty; and upon each animal species, Gzhémndoó conferred special powers and a nature sufficient to fulfill that specie's being and form. These powers conferred upon plants and animals are a form of Gzhémndoó's own powers; and
- d. As a result of this creation sequence, both plant and animal-kind are considered spiritual elders of the Aníshinaábek. The Aníshinaábek continue to revere plant beings as sentient beings, petitioning them to confer the healing powers upon our sick, and seeking pardon and honoring them before removing them from the land; and
- e. Čhií mewízhn, following the Čhií Moóshkáhang [*glos.*, Great Flood], when all human-kind and land animals and plants were destroyed, and only the water animals, and birds and fishes lived on, the water-animals assisted in the re-creation of the world as we now know it. Following the rebirth of human-kind after the ancient flood, animal kind, beginning with Mkwá [*glos.* Bear], nourished and nurtured humans, offering their flesh that the Aníshinaábek might live. Čhií gbeyhiíng [*glos.* since time immemorial], the Aníshinaábek have been dependent upon animals for their food, clothing, and tools; and for their very knowledge of the world, life, and themselves. As animals are endowed with certain traits of character, the Aníshinaábek emulate the animals as our n'doódémk [*glos.* sacred totems], and continue to seek, attain, and perpetuate that character and make it part of ourselves; and
- f. Thus, of all species upon this earth, our Mother, Wegimind Ake, human-kind is the most pitiful in the order of dependence, and the weakest in bodily powers. The Aníshinaábek are humbled by the legacy of the plants, fish, and animals; and retain an ancient reverence for the mystery of life which animates all plants, fish, animals, and human-kind, and the very Earth itself; and
- g. The plant, fish, and animal beings on Aníshinaábek Tribal and ancestral lands are our "traditional" foods, given as a gift by Gzhémndoó, and thus are a part of our spiritual and cultural identity. Aníshinaábek stories of Nanábožho and other aádsóokaánek [*glos.* sacred stories] tell a recurring theme of hunger and starvation, reflecting fear and fact in Aníshinaábek tradition. The yearly return of Spring and its religious and cultural celebration by the Aníshinaábek assures the renewal and continuation of human and all other life. Aníshinaábek rely on the plants, fish, and animal-kind for their feasts associated with Aníshinaábek ceremony; and
- h. The Aníshinaábek always have revered the hunters in our communities, since hunter prowess was reflective of learned knowledge of the land and the habits of fish and game, the shifts of the winds, and the ability to endure with and in the seasons. The Aníshinaábek continue to respect hunters and fishers for their skill, patience, endurance, resourcefulness, and self-reliance and mastery of self. The continued training of Tribal hunters, fishers, and gatherers allows the transfer of Aníshinaábek "traditional" values from generation to generation; and
- i. Čhií gbeyhiíng [*glos.* for a great long time - thousands and thousands of years], the native plant and animal species have lived and flourished in the Aníshinaábek homeland. The animals and their habitat, and the plants, and fish, and the waters in which they spawn and grow, are part of the Aníshinaábek sense of place. Gzhémndoó guided us here in fulfillment of an ancient prophecy, and the Aníshinaábek are obliged to remain and to protect them in this place. As the Aníshinaábek primary food source for thousands of years, plants, fish, and wildlife continue to be an essential aspect of Aníshinaábek nutritional and spiritual health; and
- j. Aníshinaábek traditional" foods – the mnoómín [*glos.* wild rice] and mné [*glos.* sturgeon] - are indicator species: as water becomes degraded and the sturgeon population declines, so too will the water animals and plants, such as the dikmég [*glos. all*, whitefish], miní [blueberry], mšhkiígmín [cranberry], žhiíshiíb [duck], jííjaák [crane], šhagí [heron], and mšhkikínik [medicines] that sustain

us. Without the continued availability of plants, fishes, and animals, the Aníshinaábek would cease to be as Gzhémnidoó made us; and

k. Aníshinaábek stewardship extends respect for life beyond the dignity of human beings to the whole of creation. That respect involves the responsibility to honor what Gzhémnidoó has provided and continues to provide. As long as Nature is taken care of, Nature will take care of the Aníshinaábek. The Aníshinaábek continue to acknowledge this ancient wisdom and the necessity of harmonizing human existence with Nature - acknowledging both what is known and what is unknown. In Nature everything has a purpose, whether or not the Aníshinaábek understand the purpose. For Aníshinaábek, the continuation of human life depends upon the continued viability of the plants, fish, and animals.

1-3. *Policy.* It shall be the policy of the LRB Natural Resource Commission that:

a. All beings deserve life, and all life must be honored. In keeping with this fundamental policy, waste of any life-form violates Aníshinaábek culture and shall not be tolerated.

b. The Commission shall promote the protection and enhancement of all wildlife, fish and plants which, now or in the future, may be subject to harvest by Tribal members under these Regulations, and which, for the purpose of these Regulations shall include any E'weesi'ek (game animals), Ishpiming-ake-E'weesi'ek (upland game), Binesii (game birds) gegoo'ek (game fish), migratory birds, furbearers, threatened, endangered and protected species.

c. The Commission shall promote the protection and enhancement of plants, fish, and wildlife resources within the Reservation and on Tribal lands for the perpetual use, benefit, and enjoyment of the members of the Little River Band.

d. In any regulation of plant, fish, and wildlife resources within the Reservation and on Tribal Lands, Little River Band members shall be afforded the greatest possible freedom to use and enjoy these resources consistent with the preservation and improvement of those resources for future generations and their fair distribution.

e. Appropriate management and conservation of the plant, fish, and wildlife resources may require limiting the total number of members who harvest, establishing bag and possession limits, and other policy regulations. These regulations may be necessary to ensure the conservation of the resources and their fair distribution, as well as ensuring continued supplies of such species for fishing, hunting, trapping, and gathering.

f. The Commission will monitor the health and status of populations of plants, fish and wildlife and will adopt emergency regulations, and will recommend such changes to Tribal Regulations, as may be necessary to limit the harvest of such species when necessary to prevent the depletion of such species, by closing a season or imposing limits on the sex or number of plants, fish or wildlife that may be harvested. When necessary and appropriate, the Commission may also adopt emergency regulations, or recommend changes to Tribal Regulations, to open or extend a seasons when such action may be taken without endangering the health and status of plant, fish and wildlife populations. In all such cases, the Commission shall adopt a Resolution embodying its findings in respect to when, under what circumstances, in what localities, by what means, what sex, and in what amounts and numbers with plant, fish, migratory bird, or wildlife that may be taken.

g. All plants, fish, and wildlife resources may be utilized for subsistence and, in appropriate circumstances and upon declaration of the Natural Resource Commission, for commercial value. There is no Aníshinaábe tradition of killing for sport or recreation.

h. To protect and maintain the plant, fish, and animal resources, the Commission shall act to define hunting and fishing rights and privileges and enact laws to protect and conserve these shared resources for the maximum benefits of the Aníshinaábek members of the 1836 Treaty tribes and

others entitled to share these resources.

i. From time-to-time, the Commission shall recommend to the Tribal Council, the establishment of sanctuaries, as necessary, to provide safe resting habitat and breeding grounds for E'weesi'ek (game animals) and birds, thereby providing a source of E'weesi'ek (game) for natural stocking.

j. By these Regulations, the Little River Band intends to exercise control over hunting, fishing, trapping, and gathering activities to the fullest extent of Tribal jurisdiction in order to protect all of the plant, fish, and wildlife resources available to the Tribe and its members.

k. The Commission will manage the plants, fish, migratory birds, and wildlife indigenous to Aníshinaábe ancestral lands in a manner that prevents the need for listing under any endangered or threatened species act.

l. The Commission will manage sensitive species or species of concern in a manner that assists in the maintenance, recovery, or rehabilitation of the species.

m. The Commission will identify plant, fish, migratory bird, and wildlife species of especial cultural importance to the Aníshinaábe and to critically manage these species to ensure their continued existence on, or to support their reintroduction to the ancestral Aníshinaábe landscape.

n. The Commission will manage all species populations based on habitat estimates and the biological health of the species.

o. The Commission will provide adequate remedies for the protection of species' environmental life support systems from degradation, and to provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

p. The Commission will ensure the perpetuation and enhancement of all species as members of ecosystems.

q. Nothing in this chapter shall be construed as a relinquishment, abrogation or abridgment of any Treaty right of the Little River Band.

1-4. *Scope and Coverage of Regulations.*

a. These Regulations govern hunting, fishing, trapping and gathering activities on certain lands and waters on which the Little River Band is entitled to manage and regulate on-reservation harvesting rights under the 1836 Treaty, the 1855 Treaty, Public Law 103-324, and other applicable law (On-Reservation Areas”).

b. For purposes of these Regulations, On-Reservation Areas include the following:

1. all lands and waters within the limits of the exterior boundaries of the 1836 Manistee Reservation and the Mason County portion of the 1855 Reservation (consisting of Custer and Eden Townships in Mason County) (“Reservation lands and waters”);

2. all lands or waters heretofore or hereafter acquired by the Secretary of the Interior and held in trust for the benefit of the Little River Band (“Tribal Trust Lands”); and

3. certain waters immediately adjacent to Tribal Trust Lands, specifically:

A. that part of a stream segment which lies between two or more parcels of Tribal Trust Lands,

B. that portion of a lake, pond or flowage that is contained within the boundaries of one or more parcels of Tribal Trust Lands; or

C. that part of a stream segment which is between a parcel of Tribal Trust Land and State or Federal Land which is open to public hunting, fishing and gathering (“Adjacent Waters”).

4. The Department of Natural Resources of the Little River Band shall create maps which identify the location of Adjacent Waters.

c. These regulations apply to hunting, fishing, trapping and gathering in On-Reservation Areas by

all members of the Little River Band and by all members of other tribes that have entered into reciprocal hunting, fishing, trapping and gathering agreements with the Little River Band (“Reciprocal Tribes”).

d. These regulations also apply to hunting, fishing, trapping and gathering on Tribal Trust Lands, and on lands owned in fee by the Little River Band within the boundaries of the 1836 Manistee Reservation or the Mason County portion of the 1855 Reservation (“Tribal Fee Lands), by persons who are neither members of the Little River Band nor members of a Reciprocal Tribe (“Non-Members”).

e. Any person who has been issued a harvesting permit under these Regulations has an obligation to know where he or she is harvesting and to ensure that the lands or waters upon which he or she is exercising the harvesting privilege has been opened to such activities pursuant to all applicable Little River Band ordinances and these Regulations.

f. Date ranges used in these regulations include 12:00 a.m. of the first date through 12:00 p.m. of the last date.

1-5. *Jurisdiction.*

a. Except as otherwise provided by these Regulations, the Little River Band, through its Tribal Council, its Natural Resource Commission, and Tribal Court, and such other Little River Band entities as are designated by Little River Band law, shall have jurisdiction to regulate, and to hear and adjudicate all matters pertaining to, ceremonial, subsistence, commercial or other harvesting of any plant, fish, or wildlife resource, whether resident or migratory, indigenous or introduced, on Tribal Trust Lands or Tribal Fee Lands.

b. The Little River Band shall have jurisdiction over members of the Little River Band and members of Reciprocal Tribes in all On-Reservation Areas.

c. The Little River Band shall have jurisdiction over Non-Members, who engage in any activity related to hunting, fishing, trapping or gathering on Tribal Trust Lands or Tribal Fee Lands. Except as may be otherwise provided in these Regulations, the Natural Resource Commission shall have original, exclusive jurisdiction over all violations of these Regulations, except where Tribal law reserves that authority to other branches or entities of the Little River Band government.

d. Nothing in these Regulations shall diminish the rights reserved to the Little River Band and its members by the 1836 Treaty of Washington, or deprive the Little River Band Tribal Council of the right to modify, amend, or repeal these Regulations.

e. Nothing in these Regulations shall create a duty upon the Little River Band to allow any Non-Member to hunt, fish, trap, or gather on Tribal Trust Lands or Tribal Fee Lands.

f. By agreement approved by the Little River Band Tribal Council, the authority to enforce these Regulations may be delegated, or carried out through cross-deputization agreements.

g. The penalty provisions of these Regulations are intended to supplement, but not supercede, any criminal provisions established by the Tribe. Nothing in these Regulations limits the prosecution of any conduct defined as an offense under the Little River Band Criminal Code.

h. It shall not be a defense to any civil infraction or criminal offense under this Regulation that any alleged activity may be lawful under state law.

i. It shall not be any defense in any civil proceeding under these Regulations for a Tribal member to claim a lack of awareness or understanding of law or regulations.

j. Federal prosecution may be pursued in addition to, or in lieu of, other enforcement procedures provided by these Regulations.

1. Nothing in these Regulations shall be deemed to preclude federal prosecution, under 18 USC § 1165, of Non-Members who trespass to gather, fish, hunt, or trap.

2. The taking or using of Tribal property contrary to the terms of these Regulations constitutes theft of Tribal assets. Accordingly, nothing in these Regulations shall be deemed to preclude federal prosecution under 18 USC § 1163, for theft of Tribal property.

Section 2. Definitions

2-1. *General*. The following terms are defined for the purposes of these Regulations. The word “shall” is always mandatory and not merely advisory.

2-2. *Amphibian* means any member of the Class Amphibian including but not limited to bull frogs, green frogs, and salamanders.

2-3. *Aquatic nuisance species* means a waterborne, non-indigenous species that threatens the diversity or abundance of native or indigenous species, the ecological stability of infested waters, or a commercial, agricultural, aquacultural, or recreational activity.

2-4. *Artificial light* means any light produced by other than natural sources, including but not limited to torches, spotlights, flashlights or vehicular headlights.

2-5. *Bag limit* means the daily limit in the amount of each species of game or fish that may be taken by any one person.

2-6. *Bait* means any substance that is placed by any person and that may serve as an attraction to wildlife, fish, or reptiles, and may include, but is not limited to, grain or animal remains.

2-7. *Bait fish* means any fish, except Lampreys, live Carp, Goldfish, Gobe, Eurasian Ruffe, or Snakeheads, which may be used as bait when legally taken and possessed.

2-8. *Barter* means the act of trading goods or services between Tribal members for other goods or services rather than money.

2-9. *Bow* means a weapon constructed from wood, plastic, metal, or other material, with a cord connecting the two ends when bent or strung, and by means of which an arrow is propelled, but only when the arrow is drawn and held solely by and through the efforts of the person releasing the arrow, and is not to be construed to mean Crossbow.

2-10. *Ceded Territory* means all lands and waters ceded in the 1836 Treaty of Washington, as described in Article First, as set forth below, but does not include those lands and waters that are reserved under Articles Second and Third of the 1836 Treaty or Article One of the 1855 Treaty, or that otherwise are within Indian Country:

Beginning at the mouth of Grand River of Lake Michigan on the north bank thereof, and following up the same to the line called for in the first article of the Treaty of Chicago on the 29th of August, 1821, thence, in a direct line, to the head of Thunder Bay River, thence with the line established by the Treaty of Saginaw on the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British Province of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the Treaty of Ghent, through the straits, and river St. Mary's to a point in Lake Superior north of the mouth of Gitchy Seebing, or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of the Skonawba river of Green bay, thence down the south bank of said river to its mouth, thence, in a direct line, through the ship channel into Green bay, to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand River, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved.

2-11. *Ceremonial fishing* means the taking of fish for use in traditional Tribal ceremonies and/or for religious purposes. Only enrolled members of the Little River Band shall exercise ceremonial fishing Rights upon Tribal Lands.

- 2-12. *Ceremonial hunting* means taking of game for use in traditional Tribal ceremonies and/or for religious purposes. Only enrolled members of the Little River Band shall exercise ceremonial hunting Rights upon Tribal Lands.
- 2-13. *Closed Area* means any area of Tribal lands set aside for the exclusive use of enrolled members of the Little River Band of Ottawa Indians and their immediate family members per Tribal Council Resolution #00-1006-01, ¶ (b) and Interim Land Use Ordinance # 00-1212-08.
- 2-14. *Closed Lands* means Tribal Trust Lands or Tribal Fee Lands access to which is prohibited by the Tribal Council because of the cultural sensitivity of the lands or for other reasons; such lands shall remain closed until such time that Tribal Council restores access to them.
- 2-15. *Closed season* means the period of time during which the taking and sale of specific plants, fish, or wildlife is prohibited.
- 2-16. *Commercial fishing* means fishing by Tribal members with specified fishing gear ~~or and pursuant to treaty rights~~ for the purpose of selling, trading, or bartering such fish to any person in return for money, property, or other consideration. Commercial fishing shall not include the sale or exchange of fish with other members of the Little River Band, Little Traverse Bay Bands (“LTB”) or Grand Traverse Band of Ottawa and Chippewa Indians (“GTB”) for the personal use of such other members.
- 2-17. *Commercial purposes* means the harvesting of a natural resource in which the resource harvested, or any portion thereof, is sold, but shall not include harvesting of a natural resource for personal use.
- 2-18. *Commission* means the Natural Resource Commission of the Little River Band of Ottawa Indians.
- 2-19. *CORA* means the Chippewa-Ottawa Resource Authority.
- 2-20. *Crossbow* means a weapon consisting of a bow affixed crosswise on a rifle or pistol style stock.
- 2-21. *Department* means the Natural Resource Department of the Little River Band of Ottawa Indians.
- 2-22. *Dip net* means nets without walls, up to 9 feet on each side that are lifted vertically.
- 2-23. *Director* means the Director of the Natural Resource Department of the Little River Band of Ottawa Indians.
- 2-24. *Endangered species* means any species so designated by this chapter and which the U.S. Fish and Wildlife Service or the Natural Resource Commission has determined is in danger of extinction throughout all or a significant portion of its range.
- 2-25. *Enforcement Officer* means any Enforcement Officer authorized by Tribal law to enforce Tribal conservation regulations, or federal enforcement agents, including any Special Agent of the U.S. Fish and Wildlife Service, or other persons deputized by the Tribal Council to enforce these regulations.
- 2-26. *Firearm* means a weapon such as a pistol, shotgun or rifle capable of firing a bullet or other projectile.
- 2-27. *Fishing activity* means fishing for, catching, taking, or attempting to fish for, catch, or take, any species of fish, including all related activities which occur in or on the water, or immediately adjacent to the waters edge, and in the process of loading or unloading fish, nets, or related gear, in or from a boat or vehicle.
- 2-28. *Fishing arrow* means an arrow having only one point that is barbed and attached to a bow by a line used to take fish.
- 2-29. *Game fish* means Brook Trout, Lake Trout, Splake, Brown Trout, Rainbow (Steelhead) Trout, Coho Salmon, Chinook Salmon, Atlantic Salmon, Largemouth Bass, Small Mouth Bass, Rock Bass, Walleye, Sauger, Northern Pike, Muskellunge, Tiger Muskellunge, Lake Sturgeon, Bluegill, Sunfish, Crappie, Yellow Perch, Lake Whitefish, and Round Whitefish (Menominee), and any other species of fish that may be taken for food.
- 2-30. *Gill net* means a net of single web construction attached at the top to a float line and at the bottom to a weight line, which is designed to entrap fish in the mesh.
- 2-31. *Hand net* means a mesh bag of webbing or wire suspended from a circular, oval, or rectangular frame of any size attached to a handle of any length.

- 2-32. *Handicraft articles* means articles produced, decorated, or fashioned in the exercise of traditional Indian handicrafts, such as but not limited too, carving, weaving, beading, pottery, drawing, or painting, without the use of mass copying devices.
- 2-33. *Hunting* means shooting at, harassing, chasing, driving, flushing, attracting, brushing, pursuing, trapping, stalking or lying in wait for any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures or making sound recordings thereof.
- 2-34. *Immediate control* of a pole or tip-up means the pole or tip-up must be visible to, under the supervision of, and within approximately 150-feet of the fisherman.
- 2-35. *Immediate family member* means a spouse, parent, child, or grandchild of an enrolled Tribal members per Resolution # 00-0925-01.
- 2-36. *Immediate Possession* means within arm's reach of the hunter, fisher, trapper or gatherer.
- 2-37. *Jugging* means fishing with a hook and line attached to a float (Jug) that is baited and set to catch turtles and or fish.
- 2-38. *Loaded firearm* means any firearm having a live round of ammunition in the chamber.
- 2-39. *Member* means an enrolled member of the Little River Band of Ottawa Indians.
- 2-40. *Nocturnal species* means those wildlife species that are most active during the night hours.
- 2-41. *Personal use* means the use of natural resources for direct personal or family consumption by Tribal members as food, medicine, culturally significant items such as but not limited to clothing, or tools; for making or selling handicraft articles including the commercial sale of such articles; or for barter.
- 2-42. *Personal watercraft* means any watercraft commonly known as a Jet ski or similar watercraft in which the passengers ride upon or within the craft.
- 2-43. *Possession limit* means the amount of each species of game or fish that a person may possess.
- 2-44. *Public highways* means all roadways open to the public for vehicular travel.
- 2-45. *Regulations* mean these Regulations, including any subsequent amendments to these Regulations, and any separate regulations enacted by the Natural Resources Commission.
- 2-46. *Reptile* means any member of the Class Reptilian including but not limited to: snapping turtles, soft-shelled turtles, and snakes.
- 2-47. *Rifle* means a shoulder weapon with a rifled bore.
- 2-48. *Shotgun* means a smooth bore shoulder positioned weapon designed for firing shot or slugs.
- 2-49. *Spear* means a hand propelled device with a long handle and pointed barbed tines used for impaling and holding fish and amphibians, but does not include mechanically propelled devices.
- 2-50. *Subsistence Gathering* means gathering wild and renewable resources for direct personal or family consumption as food, shelter, fuel, clothing or transportation; for the making and or selling of handicraft articles from non-edible byproducts of plant, fish or wildlife resources taken for personal or family consumption; or for barter or customary trade.
- 2-51. *Subsistence fishing* means fishing by tribal members for their personal use, including the sale or exchange with other members of the LRB, LTB, or GTB for the personal use of such other members. Subsistence fishing shall not include the sale or trade of harvested fish with non-Indians or non-members of the LRB, LTB, GTB or fishing for commercial or ceremonial purposes.
- 2-52. *Take* shall mean any effort to kill, capture, catch, harm, shoot, wound, collect, hunt, pursue or trap fish or wildlife.
- 2-53. *Targeting* means fishing, hunting, trapping or gathering activity that has the effect of catching or taking a specific species or several specific species of fish, wildlife or plant.
- 2-54. *Threatened species* means any species designated as such by this chapter or which as determined by

the U. S. Fish and Wildlife Service or the Commission as likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

2-55. *Transport* or *transportation* means carrying or moving by any means, causing to be carried or moved, attempting to carry or move, or accepting or receiving any plant, fish or wildlife resource or any part thereof.

2-56. *Trap* or *Trapping* shall mean any effort to take wildlife with a trap, net, snare or other device used for the purpose of capturing fish or wildlife.

2-57. *Treaty* means the 1836 Treaty of Washington between the Ottawa and Chippewa and the United States. (7 Stat. 491).

2-58. *Trespass* means:

- a. to enter upon the real property of another that is posted to prohibit trespassing, is fenced or contains obvious outward signs of habitability, without permission of the owner or the owner's agent;
- b. to enter upon any Tribal Trust Lands or Tribal Fee Lands designated by Tribal law as closed unless the person:
 1. is a Tribal member;
 2. has in their possession a valid LRB STPP or a Non-member Camping/Access Permit;
 3. is a non-member who is an agent, employee, or sub-contractor of the Little River Band acting in the course of his or her employment or contractual duties with the Tribe per Tribal Council Resolution # 00-1006-01, ¶ (c);
- c. to enter upon and or refuse to depart from areas deemed as Closed Lands are subject to violation of an order of exclusion issued by the Tribal Council; or
- d. to take any other action identified as trespassing under these Regulations.

2-59. *Tree stand* means a raised platform with a horizontal surface constructed or manufactured by a person that increases the field of vision that normally would be attained by that person standing on the ground.

2-60. *Tribal Court* means the Court of the Little River Band of Ottawa Indians.

2-61. *Tribal Trust Lands* means lands held in trust by the United States for the Little River Band of Ottawa Indians.

2-62. *Tribal Fee Lands* means, any lands owned in fee by the Little River Band which are located within the exterior boundaries of the Reservation.

2-63. *Tribal license* means picture Tribal Identification Card issued by a tribe to its members, that is valid and current, and that authorizes the member to hunt, fish, trap and gather in accordance with the provisions of the Uniform Conservation Code or these Regulations.

2-64. *Tribe* means the Little River Band of Ottawa Indians.

2-65. *Unlawfully taken wildlife* means wildlife that is not lawfully harvested according to the provisions set forth in these regulations.

2-66. *Waste* means to abandon or permit to deteriorate, whether through carelessness, neglect or otherwise, those portions of any fish or game normally eaten by humans. The failure to properly dress and care for any game animal or fish taken by a person if the carcass is reasonably assessable, or the failure to take or transport the same to the person's camp within 24 hours, shall be prima facie evidence of waste.

2-67. *Wild animals* means all creatures, not human, wild by nature.

2-68. *Wildlife* means any form of animal or plant life, native or exotic, generally living in a state of nature.

Section 3. Lands Open To Harvesting

3-1. *Lands Open Generally.* Members of the Little River Band and members of Reciprocal Tribes are authorized to exercise harvesting privileges on the following Reservation lands and waters:

- a. Public lands open to public hunting, trapping, fishing and gathering;
- b. Private lands that are required to be open to public hunting, trapping, and fishing by state law,

such as lands enrolled in the State's Commercial Forest Land program;

c. Tribal lands open to hunting, trapping, fishing and gathering, subject to any limitations prescribed by Tribal law or these Regulations;

d. Private lands, including lands owned by Non-Members, but only with written permission from the owner or authorized lessee granting access to Tribally regulated hunters, trappers, fishers or gatherers;

e. All lakes, rivers, streams and creeks open to the public for fishing and trapping, including water bodies accessible through public rights-of-ways or otherwise accessible to Tribally regulated hunters, trappers, fishers or gatherers by written permission granted by the landowner or authorized lessee.

3-2. *Tribal Lands Open to Harvesting; Restrictions.*

a. Unless the use of, or access to, Tribal Lands or Adjacent Waters is closed or restricted by ordinance or regulation, all Tribal Lands and Adjacent Waters shall be open to members of the Little River Band and members of Reciprocal Tribes for the exercise of harvesting privileges.

b. Non-Members shall be prohibited from exercising harvesting privileges on all Tribal Lands, unless and until the Tribal Council authorizes such persons harvesting privileges under such terms and conditions as Tribal Council shall prescribe.

c. Immediate family members of enrolled Tribal members may exercise harvesting privileges on those Tribal Lands open to harvesting activities by members of the Little River Band subject to any limitations prescribed by Tribal law or this regulation.

d. Restrictions on Harvest Activities on Specific Tribal Lands.

1. The following Tribal Lands shall be closed to all harvesting activities:

A. Little River Casino Resort site, including the Wastewater Treatment Plant;

B. Tribal Rental Housing Little River Heath Center;

C. National City Bank Building.

Violation of this provision shall be a Class D Infraction. Closure of Tribal lands identified under this subsection shall not close the lands to agents, employees, or sub-contractors of the Tribe when acting in the course of their employment or contractual duties with the Tribe.

2. Parcel Specific Restrictions.

A. *Newland Academy.* The Tribal property known as the Newland Academy property is closed to hunting with firearms, pursuant to Tribal Council Resolution # 03-0212-45. Violation of this provision shall be a Class D Infraction.

B. *Bull Property.* Hunting activities on the Tribal property known as the Bull property or the Orchards on the Northwest corner of Dontz Road and M22 are limited to Archery, Crossbow and Shotgun only for Waáwaáshkešh (deer) and Waachiini-Eweesi'ek (small game) hunting during the normal seasons unless amended by the Commission or Tribal Council. Violation of this provision shall be a Class C Infraction.

C. *Complete Closure of Custer Property.* The Tribal property known as the Custer Property, including the existing campground areas is closed to motorized and foot traffic, pursuant to Tribal Council Resolution # 03-0326-84 unless amended by the Tribal Council. Violation of this provision shall be a Class D Infraction.

D. *Aki Maadizwin Housing Development.* The Tribal property known as the Aki Maadizwin Housing Development, including the Tribal Utility Department Pumphouse, is closed to hunting and trapping activities pursuant to Tribal Council Resolution #01-1003-03. A violation of this provision shall be a Class D Infraction.

E. *East Lake Property*. The Tribal property known as the East Lake Property, including the Natural Resource Department Office and “Big Blue”, is closed to hunting activities. A violation of this provision shall be a Class D Infraction.

F. *Pow Wow Grounds*. The Tribal property known as the Pow Wow grounds shall be closed to all hunting activities during scheduled cultural events and events open to the public. The dates/times for the closure of such lands shall be announced by Order of the Commission. A violation of this provision shall be a Class D Infraction.

3-3. *Safety Zone*. No person hunting on Tribal Lands shall discharge any weapon within 450 feet of any occupied dwelling, house, residence, cabin, camp, cottage, barn, or other building used in connection therewith. Violation of this provision shall be a Class D Infraction.

3-4. *Signage of Tribal Lands*. Signs shall be posted conspicuously along the boundaries of Tribal Lands and at all roadway points of entry putting the public on notice that:

- a. Visitors consent to Tribal jurisdiction;
- b. Permits are required for non-members to enter onto Tribal lands;
- c. Failure to obtain a permit shall be deemed a trespass and shall be subject to Tribal and Federal prosecution;
- d. Visitors must inquire locally for maps.
- e. The lack of the signs required by this section, or the lack of knowledge of such signs, shall not be a defense in any action brought in the name of the Tribe to enforce this section.

Section 4. Those Eligible to Harvest

4-1. *Enrolled Tribal Members*. Enrolled members of the Little River Band are eligible to exercise hunting, fishing, trapping, and gathering rights under these Regulations.

4-2. *Members of Reciprocal Tribes and Immediate Family Members*.

a. *Members of Reciprocal Tribes*. Enrolled members of Reciprocal Tribes, currently, the Little Traverse Bay Bands of Odawa Indians and the Grand Traverse Band of Ottawa and Chippewa Indians, may hunt, fish, trap, and gather in On-Reservation Areas under these Regulations if they obtain a Non-Member Harvest Activity Permit.

b. *LRB Family Members*. Immediate family members of Tribal members may exercise the privileges of hunting, fishing, trapping, and gathering on Tribal Lands if they obtain a Non-Member Harvest Activity Permit.

c. *Harvest Education Course Required*. In order to obtain a Non-Member Harvest Activity Permit, a member of a Reciprocal Tribe or an immediate family member of a member of the Little River Band must show proof of successful completion of the Little River Band’s Harvest Education Course, or in the absence of an established Little River Band Harvest Education Course, a recognized Hunter Safety Course from another jurisdiction.

4-3. *Age Restrictions*. The restrictions set forth in this section shall apply to all persons who engage in harvesting activities in On-Reservation Areas in which they subject to the jurisdiction of the Little River Band, as set forth in Section 1-5(b) and (c). Violation of any age restriction shall be a Class C infraction.

- a. *Under 8 years*. Cannot fish alone. Must have an enrolled LRB member adult, or a properly permitted adult, accompanying at all times during fishing activities.
- b. *Over 8 years*. May fish alone.
- c. *Under 12 years*. Cannot be in possession of a firearm in the field. May accompany an enrolled member adult, or properly permitted adult, during hunting or trapping activities.
- d. *12-16 years*. May hunt or trap. Must have an enrolled member adult, or a properly permitted

adult, accompanying at all times during hunting or trapping activities

e. *Over 16 years.* May hunt or trap alone. Must carry proof of completion of hunter-safety course or have proof on file at Conservation Department.

f. A minor over the age of 8 years who is otherwise eligible to fish alone shall not be permitted to do so unless the minor is certified to have completed the Aníshinaábek cultural component of the Tribal Harvest Education Course provided that course is available.

g. A minor over the age of 12 years who is otherwise eligible to hunt or trap shall not be permitted to do so unless the minor is certified to have completed the Tribal Harvest Education Course or a Certified Hunter Safety Course.

h. It shall be the duty of the parent or guardian of any minor who is exercising any harvesting rights pursuant to these Regulations to ensure compliance with these Regulations.

i. A parent or guardian who knowingly or negligently permits their child or ward to violate any provisions of these Regulations shall be subject to the prescribed penalty as if the adult had committed the respective offense.

j. The Commission may make a determination, after a proper hearing, and order that there is sufficient showing of hardship to allow an underage minor to exercise hunting, fishing, trapping, or gathering rights without being accompanied by a parent or guardian.

k. The Commission may adopt special regulations addressing the time that minors may hunt, fish, trap, or gather, in order to ensure proper attendance in school, compliance with school assignments, and adequate academic performance in school.

4-4. *Tribal Biological Personnel.* Tribal Natural Resource Department biological staff, and other professional scientific staff authorized by appropriate Tribal permit, may enter Tribal lands for the purposes of scientific study in the normal course of their employment.

Section 5. Tribal Harvest Education Course

5-1. Any Tribal member born after January 1, 1986, and any other person, including a member of a Reciprocal Tribe or an immediate family member of a member of the Little River Band, who wish to engage in any harvest activity subject to these Regulations, must successfully complete a Tribal Harvest Education Course before engaging in such activity, or in the absence of an established Little River Band Harvest Education Course, a recognized Hunter Safety Course from another jurisdiction.

5-2. An adult shall accompany any minor attending the course during the duration of the course.

5-3. The Tribal Harvest Education Course shall have 2 primary elements: an Aníshinaábek cultural component, and a hunter safety component. A person may take the hunter safety component of the course from another Tribe or a State, so long as the substance of the safety course is the same as the LRB Tribal component.

5-4. The Tribe shall certify each participant who completes the Tribal Harvest Education Course, and such certification shall be made accessible to Tribal Enforcement Officers to ensure compliance with this requirement. Violation of this provision shall be a Class B infraction.

Section 6. Harvester Identification; *Permits.*

6-1. *Tribal Members.*

a. Any Aníshinaábe who is an enrolled member of the Little River Band shall have in his or her possession at all times while hunting, fishing, trapping, gathering, possessing or transporting any plant, fish or wildlife resource in or from On-Reservation Areas a photo Identification Card issued by the Little River Band, or a non-photo Identification Card issued by the Little River Band and proper alternative photo identification. Violation of this provision shall be a Class B infraction.

- b. A valid Little River Band Identification Card identifies the Aníshinaábe holder as an enrolled member of the Little River Band and, subject to the provisions of these Regulations, shall entitle the member to exercise harvesting rights in On-Reservation Areas.

6-2. *LRB Member Immediate Family.* An immediate family member of an enrolled member of the Little River Band may harvest on Tribal Lands, after obtaining an LRB Special Trespass Permission Permit (“LRB STPP”).

- a. In order to obtain a LRB STPP, an immediate family member of an enrolled Tribal member must submit an application approved by the Commission and provided by the Department, in which the enrolled Tribal member identifies the immediate family member and certifies that he or she is eligible to receive a LRB STPP under these Regulations.

- b. An immediate family member of a member of the Little River Band, who is not himself or herself a member of the Little River Band or a Reciprocal Tribe, shall have in his or her possession at all times while harvesting on Tribal Lands an appropriate State of Michigan license or permit for that harvesting activity.

6-3. *Members of Reciprocal Tribes.* Enrolled members of Reciprocal Tribes, currently, the Little Traverse Bay Bands of Odawa Indians and the Grand Traverse Band of Ottawa and Chippewa Indians, may hunt, fish, trap, and gather in On-Reservation Areas after obtaining a valid LRB STPP.

- a. For any member of a Reciprocal Tribe seeking a Non-Member Harvest Activity Permit, the Department shall verify the following, noting in each instance the person with whom the verification contact was made:

1. the Reciprocal Tribe member’s enrollment with the member’s Tribe;
2. whether the Reciprocal Tribe member’s Tribe has issued a harvesting license/ permit to the member;
3. that the Reciprocal Tribe member has not had his or her current harvesting privileges suspended or revoked by the member’s Tribe.
4. that the Reciprocal Tribe member’s Tribe has not already issued a license or tags to the member for the current hunting season.

6-4. *Transport/Harvest Cards or Tags.* In addition to the Identification Card or STPP required under this section, persons harvesting certain species (i.e. deer, turkey, bobcat, otter) or engaging in certain types of harvesting activities (i.e. spearing; commercial harvest) may be required to obtain transport/harvest tags or harvest report cards, which must be in the harvesters possession when in the field and, in the case of harvest/transport tags, must be complete filled out and affixed to the animal when transporting.

6-5. *Non-Member Special Trespass Permission Permit.*

- a. An LRB STPP shall be issued for each individual non-member applicant and may be for subsistence hunting, fishing, trapping, and gathering.

- b. A member of a Reciprocal Tribe who obtains an LRB STPP to harvest in On-Reservation Areas shall carry that permit at all times while harvesting in such areas. Violation of this provision shall be a Class B Infraction.

- c. An immediate family member of an enrolled member of the Little River Band, who obtains an LRB STPP to harvest on Tribal Lands shall carry that permit at all times while harvesting on Tribal Lands. Violation of this provision shall be a Class B Infraction.

- d. An LRB STPP shall contain:

1. an assigned Permit number;
2. for members of Reciprocal Tribes, their name and Tribal Identification numbers;
3. a general identification of the fish targeted for harvest;
4. a general identification of the lands or waters expected to be visited during the harvest;

5. the date of issuance and date of expiration of the Permit;
6. the authorizing signature of the Director, or the Director's designee;
7. the following permit agreement that shall be signed by each non-member applying for an LRB STPP:

"I hereby agree, as consideration for the granting of this permit, that the following terms and conditions govern my use of the permit, my presence within the LRB Reservation and/or on Tribal Lands, and my use of Tribal resources and services.

"I agree to obey all Tribal and relevant Federal Laws and Regulations.

"I consent to the jurisdiction of the Little River Band Natural Resource Commission as the forum for the resolution of any civil disputes that arise from my use of this permit within the LRB Reservation and/or on Tribal Lands.

"I understand that the permission for me to enter the LRB Reservation and/or Tribal Lands is conditioned on my good conduct in observance of Tribal Laws and Regulations, and that violation of such Laws and Regulations may make me a trespasser and may subject me to arrest by Tribal Enforcement Officers, Tribal and/or federal court action, expulsion from the LRB Reservation and/or Tribal Lands, and seizure of property as security for payment of potential financial obligations to the Tribe.

"I understand that willfully using Tribal resources or services contrary to the terms of Tribal Laws or Regulations constitutes theft of Tribal assets and is a violation of Tribal and federal law.

"I understand that, when hunting, fishing, trapping or gathering within the LRB Reservation and/or on Tribal Lands, I am required by Tribal law to have a State of Michigan license or permit, as required by the State, or, if I am a member of a tribe that has entered into a reciprocal hunting, fishing and gathering agreement with the Little River Band, a permit from my tribe authorizing me to participate in such harvesting activities.

"I agree to be bound by the liquidated damages provisions of Tribal law in the event that I am found to be liable to the Little River Band for violations of Tribal law.

"By my signature, I release the Tribe from any claim for injury or damage resulting from my activities within the LRB Reservation or on Tribal Lands

"I understand that I am to carry this permit with me at all times when hunting, fishing, trapping and gathering within the LRB Reservation and/or on Tribal Lands and also while in possession of any legally-taken wildlife from the LRB Reservation and/or Tribal lands as document for off Reservation transport.

"I have read and understand the above terms and agree to be bound by them.

"Signature of Non-member Permittee/Date"

- e. Upon proper completion of the Permit application, the Department shall issue an LRB STPP as soon as possible, but in no circumstance later than 2 business days after submission of a completed permit application.
- f. A denial of an LRB STPP shall be in writing and shall state specifically the reasons for the denial.
- g. Denial of or delay in the issuance of a Permit may be appealed, in writing, to the Commission.
- h. If the Natural Resource Department Director elects to authorize a Departmental designee to sign LRB STPPs, such authorization shall be in writing and shall be dated.

- i. The Department shall notify the appropriate Tribal conservation enforcement authority and the Commission as soon as possible of the issuance of any LRB STPP; provided that, in no circumstance shall such notification be issued later than 36 hours after issuance of the LRB STPP.
 - j. The Commission shall notify the Tribal Council monthly of the number of LRB STPPs issued and the names of persons to whom such permits were issued.
- 6-6. *Disabled Hunter's Permit.* A member or member of a reciprocal Tribe who is temporarily or permanently unable to walk without physical support; or who has a physical disability that substantially limits their ability to harvest; may obtain a Tribal Disabled Harvester Permit (TDHP).
- a. *Permit Application.*
 - 1. Persons applying for a TDHP shall present to the Natural Resource Department a medical notice from their doctor, or other proof of disability, establishing their need to hunt with a TDHP.
 - 2. Upon proper completion of the Permit application, the Natural Resource Department shall issue a TDHP as soon as possible, but in no circumstance later than 2 business days after submission of a completed permit application.
 - 3. A denial of a TDHP permit shall be in writing and shall state specifically the reasons for the denial.
 - 4. Denial of or delay in the issuance of a TDHP may be appealed, in writing, to the Commission.
 - 5. If the Natural Resource Department Director elects to authorize a Departmental designee to sign TDHPs, such authorization shall be in writing and shall be dated.
 - 6. The Natural Resource Department shall notify the appropriate Tribal Conservation Enforcement authority and the Commission as soon as possible of the issuance of any TDHP.
 - 7. The Commission shall notify the Tribal Council monthly of the number of TDHPs issued and the names of persons to whom such permits were issued.
 - b. *Permit restrictions.*
 - 1. A TDHP permittee may hunt from a stationary motor vehicle within a roadway located on Tribal lands or on other public lands in accordance with an agreement entered into with the public agency responsible for administration of such land, in conformity with a map delineating authorized roadways provided by the Natural Resource Department; provided that the hunter may not discharge any firearm across a public highway. Violation of this provision shall be a Class D infraction.
 - 2. A TDHP permittee may use Tribal specially-designated blinds constructed for such permit holders on Tribal lands or on other public lands in accordance with an agreement entered into with the public agency responsible for administration of such land. The use of specially-designated blinds by anyone other than a TDHP holder shall be a Class C Infraction.
 - 3. The use of bait is permitted, subject to the restrictions set out in these Regulations.
 - 4. A TDHP shall not be transferable and shall be in the hunter's possession at all times when a field. Violation of this provision shall be a Class B Infraction.
 - 5. A TDHP shall be prominently displayed on any motorized vehicle the hunter is using to hunt from, and the person shall produce, on demand, a Tribal photo Identification Card when so requested by an Enforcement Officer.
- 6-6. To engage in any harvesting activity without first obtaining a Tribal Identification Card or an LRB STPP, where required, shall be a Class C Infraction.

- 6-7. To engage in fraud, misrepresentation, or deception in procuring an LRB STPP or TDHP shall be a Class A Infraction, and shall result in the loss of harvesting privileges for no more than 60 days.
- 6-8. To use or allow another person to make use of a Tribal Identification Card or LRB STPP or TDHP not their own shall be a Class C Infraction.
- 6-9. To refuse to produce a Tribal permit or Tribal Identification Card upon the request of an Enforcement Officer shall be a Class B Infraction.
- 6-10. In addition to any fine established in these Regulations, an Enforcement Officer may confiscate the LRB STPP or TDHP from any person found to be in violation of any condition of the Permit or of these Regulations.

Section 7. Possession and Transportation of Harvest

- 7-1. The possession and transportation of any legally taken plant, fish, or wildlife resource taken from On-Reservation Areas shall be lawful when the same is in the possession or is being transported by harvester if the harvester possesses the requisite identification card, license(s)/permit(s) and transport tag(s) required under Sections 2-6-1 through 2-6-3 of these Regulations.
- 7-2. Possession or transportation of any legally taken plant, fish or wildlife resource taken from On-Reservation Areas by any person other than the harvester shall be lawful if the person has in his or her possession a written proxy statement prepared and signed by the harvester.
- 7-3. *Harvest Give-away.* Enrolled Tribal members may give to any person a plant, fish or wildlife resource or any part thereof that the Tribal member legally harvested subject to the following restrictions and any other restrictions prescribed by Tribal law:
- a. Except for transfers that constitute “personal use,” Tribal members shall be prohibited from receiving money or other financial gain in connection with any such transfer; and
 - b. Prior to giving any game fish or game animal to a person who is not a member of the Tribal member’s immediate family, the game fish or game animal must be field dressed, butchered or processed.
- 7-4. *Road Kill Special Use Permits.* If a Tribal member accidentally strikes and mortally wounds a regulated species of wildlife while driving a motor vehicle or comes on a fresh road kill of such animal, the Tribal member shall report the incident or finding within three (3) days to the Natural Resource Department or Tribal Department of Public Safety. A Tribal enforcement officer or other authorized enforcement officer shall take a sworn statement from the Tribal member regarding the circumstance under which the animal was struck or found. The enforcement officer may then authorize issuance of a special use permit that allows the Tribal member to retain and use the animal.

Section 8. Recreational Harvesting Prohibited

- 8-1. There shall be no recreational hunting, fishing, trapping, or gathering by enrolled Tribal members or members of Reciprocal Tribes in On-Reservation Areas. It is not an Aníshinaábek tradition to harvest for sport. Any violation of this provision shall be a Class E infraction.
- 8-2. There shall be no recreational hunting, fishing, trapping, or gathering by any person on Tribal Lands. It is not an Aníshinaábek tradition to harvest for sport. Any violation of this provision shall be a Class E infraction.

Section 9. Subsistence Harvesting

- 9-1. *Subsistence Seasons Generally Open.* Subject to the limitations and conditions set forth in these Regulations and other applicable Tribal law, a person authorized to hunt, fish, trap or gather under these Regulations may engage in subsistence hunting, fishing, trapping, or gathering during any season of the year,

unless the Commission has established a closed season in these Regulations, in an annual regulation issued pursuant to these regulations, or by emergency order.

9-2. *No Harvesting During Closed Seasons.* No person shall hunt, fish, trap, or gather in an area in which such person is subject to these Regulations during any closed season established by the Commission in these Regulations, in an annual regulation issued pursuant to these regulations, or by emergency order. Violation of this provision shall be a Class D infraction.

9-3. *Commission Closure.* The Commission may establish closed seasons in this Regulation, in annual regulations issued pursuant to these Regulations, or by emergency order. The duration of such closed seasons, and the particular species restricted from harvest during those seasons, shall be subject to modification by the Commission at any time as circumstances warrant such modification.

9-4. *Subsistence Fishing Restrictions.*

a. *Seasons. Establishment of Seasons.* The Commission shall annually establish any season restrictions that may be appropriate for specific waters open to Tribally-regulated subsistence fishing activities under Sections 3-1(e) and 3-2a) or the taking of certain fish species from waters in On-Reservation Areas. For 2005, season dates applicable to waters in On-Reservation Areas and fish species harvested from such waters are shown in Table 2.

b. *Size and Creel Limits.* The Commission shall set minimum size and creel limits annually. For 2005, season dates, and size and creel limits applicable to subsistence harvest activities by members of the Little River Band and members of Reciprocal Tribes in On-Reservation Areas, and to subsistence harvest activities by immediate family members of members of the Little River Band on Tribal Lands, are shown in the following Table.

Table 2. Harvest Seasons, and Fish Size and Creel Limits

SPECIES	MINIMUM SIZE LIMIT	CREEL LIMIT	SEASON DATES
DIKMÉG (LAKE WHITEFISH)	No size limit	50 per day	No closed season
GAWAÁK (WALLEYE) and SAUGER	14"	10 per day	No closed season
GNOÓ ŽHE (NORTHERN PIKE)	17"	10 per day	No closed season
GODAÁŠHÍNH (CRAPPIE)			
GODAÁŠHÍNH (BLUEGILL)			
GODAÁŠHÍNH (ROCKBASS)	No size limit	No limit	No closed season
MAÁ ŽHÍNMEGOS (COHO SALMON)			
SALMON: ATLANTIC, HUMPBAC, CHINOOK			
		5 any combination per day	
MJI GNOÓŽHE (MUSKELLUNGE)	42"	1 per calendar year	No closed season
GRAYLING	No harvest permitted	No harvest permitted	No open season
NMÉ (STURGEON)	No harvest permitted	No harvest permitted	No open season
NMEGÓS (BROWN TROUT)			
NMEGŠHÉNS (RAINBOW TROUT)			
LAKE TROUT			
SPLAKE			
BROOK TROUT	10"	5 per species per day	
	10 any combination		Manistee Lake ONLY
NMEGÓS (BROWN TROUT)			No closed season
NMEGŠHÉNS (RAINBOW TROUT)			
BROOK TROUT	8"	10 any combination	Inland streams – No closed season
SAÁWÉ (PERCH)	No size limit	No limit	No closed season
ŠHIGÁN (BASS): LARGEMOUTH, SMALLMOUTH	12"	10 Per Day	Memorial Day-Dec.

SUNFISH:

GREEN & HYBRID, LONGEAR SUNFISH, PUMPKINSEED, REDEAR,

WARMOUTH BASS, No Size Limit

No limit

No closed season

WAÁSIÍNH (CATFISH) No size limit

No limit

No closed season

ANY SPECIES NOT LISTED No size limit

No limit

No closed season

d. Subsistence Harvesting Utilizing Trot Lines, Fishing Arrows and Spears.

1. Fishing arrows and spears, and all spear tines of any kinds shall be barbed. Violation of this provision shall be a Class B infraction.

2. Fishing arrows shall be attached to the bow by a line. Violation of this provision shall be a Class B infraction.

3. *Trot Lines.* Tribal members may set one (1) trot line at a time. The trot line shall be limited to no more than five (5) hooks or lures which shall be a size four (4) hook or larger. Violation of these restrictions shall be a Class C infraction. Each trot line shall be clearly marked with a gallon buoy with the user's Tribal Identification Number. Violation of this provision shall be a Class B infraction.

3. *Open Waters.* Fishing with a spear for salmon, walleye, northern pike, muskellunge and trout (including steelhead) is permitted for members of the Little River Band and members of Reciprocal Tribes in waters in On-Reservation Areas that are open to public fishing. Fishing in any closed water shall be a Class C infraction.

4. *Size and Creel Limits.* The following size and creel limits apply to harvest of the listed species from waters in On-Reservation Areas:

A. *Trout (including steelhead)* - lakes: 10" min; with no more than 5 per species/day with a maximum of 10 in any combination; no more than 3 fish harvested/day may be greater than 16" in length.

B. *Trout (including steelhead)* - streams: 8" min.; with no more than 5 per species/day with a maximum of 10 in any combination; no more than 3 fish harvested/day may be greater than 16" in length.

C. *Salmon* - no size limit; 5 per species/day.

D. *Large Mouth/Small Mouth Bass* - 12" min; 10/day.

E. *Sauger* - no size limit; 10/day.

F. *Pike* - 17" min.; 10/day.

G. *Muskellunge/Tiger* - 42" min.; 1/day.

H. *Walleye* - 14" min.; 10/day.

I. *Bluegill, sunfish, crappie, perch, catfish, and other species not listed* - no size limit; 50/day.

5. *Catch Reporting Required.* All harvest by fish use of a trot line, arrow or spears shall be reported to the Department's Inland Fisheries Biologist within seven (7) days after harvest. Any person intending to harvest fish utilizing trot lines, arrow or spear shall be required to obtain a catch reporting card from the Department prior to engaging in such activities. Violation of this section shall be a class B infraction.

e. *Catch Reporting Generally Not Required.*

1. Except for the harvest by trot lines, fishing arrow and spears, there shall be no requirement of catch reporting unless and until the Commission, upon investigation and recommendation from LRB biological staff, determines there is a need for reporting of fish catch.

2. *Creel surveys.* Harvesters shall cooperate with Departmental staff conducting creel surveys. All fish harvested with the use of a trot line, fishing arrow or spear shall be identified as to species, creel limits, and aggregate weight.
- f. To exceed any established size or creel limit shall be a Class C infraction.
- g. To violate any established season restriction shall be a Class B Infraction.
- h. To possess any illegally taken fish, or mutilated fish that cannot be measured or identified, shall be a Class C Infraction.
- i. The harvest of any prohibited species shall be a Class E Infraction.
- j. *Restrictions on Fishing Gear.*
 1. *Extraordinary methods prohibited.* Fishing with firearms, explosives, poisons, toxicants, chemicals, electrical current, lime, medicated bait, or other deleterious substances that may tend to destroy, kill, disable, or drive away fish is prohibited. Violation of this provision shall be a Class E Infraction.
 2. *Chumming prohibited.* Placing any fish, parts of fish, or other substance, including artificial lights, or depositing or distributing any substance not attached to a hook, into any waters for the purpose of attracting fish to a particular area in order that they may be taken, is prohibited. Violation of this provision shall be a Class C Infraction.
 3. *Hook and line.*
 - A. Hook and line fishers shall have no more than 4 lines, per person, in the water, with a maximum of 2 hooks per line. Violation of this provision shall be a Class A infraction for each line over the line restriction established by this Regulation.
 - B. Any hook attached to an artificial bait or “night crawler harness” shall be counted as one hook.
 - C. Hooks must be baited or attached to an artificial bait. Violation of this provision shall be a Class A infraction.
 - D. No person shall have a weight rigidly attached to a multi-pointed hook, suspended from a multi-point hook, or suspended below any hook unless the hook is on a dropper line or leader that is at least 3” long. Violation of this provision shall be a Class B Infraction.
 - E. No person shall possess during any fishing activity a multi-pointed hook with a weight permanently attached. Violation of this provision shall be a Class B Infraction.
 4. *Nets.* Seines up to thirty (30) feet by three (3) feet in size and dip nets up to nine (9) feet square may be used to harvest smelt on inland lakes and to capture bait fish. The use of impoundment nets, gill nets, trawl, trotlines, and weirs is prohibited for inland fishing. Violation of this provision shall be a Class C Infraction.
 5. *Jugging.*
 - A. Jugging shall be limited to 10 jugs per person with 1 hook per jug.
 - B. Jug hooks shall be of size 5/0 or larger, with a point to shank measurement of at least 7/8 inches.
 - C. All jugs shall be tagged with the user’s Tribal Identification Number.
 - D. Each violation of any provision of this subsection shall be a Class B infraction.
 6. *Ice fishing.*
 - A. No more than a total of 8 lines, or similar devices, such as tip-ups, are permitted. Violation of this provision shall be a Class A infraction.
 - B. All tip-ups and similar devices must show the person’s name or Tribal

Identification number. Violation of this provision shall be a Class B infraction and an Enforcement Officer may seize the gear.

C. All lines must be under the immediate control of the angler. Violation of this provision shall be a Class A infraction.

D. Any person placing a shanty on the ice for fishing shall permanently affix their name, address, and Tribal Identification on at least 2 sides of the shanty in legible letters at least 2 inches in height. Violation of this provision shall be a Class B infraction and an Enforcement Officer may seize the shanty.

E. All shanties shall be removed from the ice before conditions become unsafe, regardless of the date but no later than March 15. Violation of this provision shall be a Class C infraction, an Enforcement Officer may seize the gear, and the violator shall be assessed the cost of removal.

7. *Boat Safety Provisions.* All Little River Band members and members of Reciprocal Tribes shall follow the following boat safety when fishing on Reservation Area waters.

A. *Personal Flotation Devices (PFD).*

i. Each person operating, riding on, or being towed by a personal watercraft must wear a Type I, II, or III PFD. Violation of this provision shall be a Class A infraction.

ii. Each minor less than 6 years old must wear a Type I or Type II PFD when riding on the open deck area of a boat underway. Violation of this provision shall be a Class C infraction.

iii. All vessels, including canoes and kayaks, less than 16 feet shall carry one wearable U.S. Coast Guard approved Type I, II, or III device for each person on board. Violation of this provision shall be a Class B infraction.

iv. All vessels 16 feet or longer, shall have 1 wearable PFD of Type I, II, or III, for each person on board, plus at least one throwable Device (Type IV PFD) on board. Violation of this provision shall be a Class B infraction.

B. *Navigation lights.*

i. Each vessel shall have affixed to it an all-around light; and a bow-placed light that has a red beam on the port side, and a green beam on the starboard side.

ii. Recreational boats shall display navigation lights at all times between sunset and sunrise, and during daylight periods of reduced visibility in accordance with requirements established under federal law. Violation of this provision shall be a Class B infraction.

9-5. *Non-Game Species Subsistence Harvest Restrictions.*

a. *Seasons. Establishment of Seasons.* The Commission shall annually establish any season restrictions that may be appropriate for specific lands or waters or the taking of certain non-game species. For 2005, season dates applicable to On-Reservation Areas for non-game species are shown in Table 3.

b. *Size and Bag Limits.*

1. The Commission shall set minimum size and bag limits annually.

2. For 2005, size and bag limits are shown in the following Table.

Table 3. Amphibians and Reptiles Seasons and Bag Limits

NOTE - Harvest of any amphibian or reptile (i.e. blundings, box or wood turtle) that is listed on any Tribal

or federal list of endangered or threatened species is prohibited. Harvesters are responsible for knowing how to identify all species harvested.

Species	Season	Minimum Size Limit	Daily Bag Limit
DAWGÓMEG (SALAMANDER)	No Closed Season	None	No possession limit
GNEBÍG (SNAKES)			
KAÁD GNEBÍG (LIZARDS)	No Closed Season	None	No possession limit
GOÓGSÉNH (FROGS)			
BBIÍG MAKÍÍ (TOADS)	May 26 – Nov 15	None	5 0 i n a n y combination; 100 Possession
MKINAÁK (TURTLES – All Others)	No closed season	None	No possession limit
MŠHÍÍKÉNH (SNAPPING TURTLE)			
DEDÉBKINAÁK (SOFT-SHELL TURTLES)			
	July 1- Sept 30	12 inch min. Carapace length	No possession limit
ŽHAÁWŠHKÓ MAGKIÍNS (GREEN FROGS)			
	June 1 – Sept 30	None	No possession limit

c. *Restrictions on Gear and Methods of Harvest.*

1. Reptiles and amphibians may only be harvested by hand, trap, dip net, seine or hook and line. Frogs may be harvested with a spear.
2. A person may use no more than 6 traps to take turtles.
3. All traps shall have a mesh size of no less than 1 inch.
3. All traps shall be set partially above water level and be attended at least every 24 hours.
4. All traps used or possessed shall bear user's Tribal Identification number.
5. Amphibians and reptiles shall not be shot with firearms (including spring, air or gas propelled), conventional bow, crossbow or slingshot.
6. Violation of any provision of this subsection shall be a Class B Infraction for each incident.

d. To exceed any established size or bag limit shall be a Class C infraction.

e. To violate any established season restriction shall be a Class B Infraction.

f. The harvest of any prohibited species shall be a Class E Infraction.

9-6. *Wildlife Species Subsistence Restrictions.*

a. *Seasons. Establishment of Seasons.* The Commission shall annually establish any season restrictions that may be appropriate for specific lands or waters or the taking of certain wildlife species. For 2005, season dates applicable to On-Reservation Areas for wildlife species are shown in Table 4.

b. *Size and Bag Limits.*

1. The Commission shall set minimum size and bag limits annually.
2. For 2005, size and bag limits are shown in the following Table.

Table 4. Hunting Seasons and Bag Limits Table

SPECIES	HARVEST LIMIT	SEASON DATES	NOTES
(ELK)	Season and harvest limit to be determined by Tribal biologists, and approved by Commission annually.		
(WOODLAND CARIBOU)	Season and harvest limit to be determined by Tribal biologists, and approved by Commission annually.		
RUFFED GROUSE	10 Per Day	Sep 1-Apr 1	
BDA ŠHKHÁNZHIÍ (WOODCOCK)	5 Per Day; 10 Possession	Sep 1-Nov 14	

BTAŠKAÁNŽHE (SNIPE)	10 Per Day; 20 Possession	Sep 1–Nov 14
ESBAÁNH (RACON)	NO LIMIT	Oct 15-Jan 31
FOX & COYOTE	NO LIMIT	Nov. 1-Mar 1
JIDMOÓNH (SQUIRREL)	10 Per Day	Sep 1-Apr 1
KAKJÍŠH (WOODCHUCK)	NO LIMIT	Sep 1-Apr 1
MIÍMÍ (MOURNING DOVES)	10 Per Day; 20 Possession	Sep 15-Nov 14
MNOÓMNÍKEŠHIÍNH (RAILS)	10 Per Day; 20 Possession	Sep 1-Nov 14
MOÓZ (MOOSE)	Season and harvest limit to be determined by Tribal biologists, and approved by Commission annually.	
MYAGÍ BAÁGHAÁKWAÁNH (PHEASANT) (Male Only)	2 Per Day; 4 Possession	Sep 1–Apr 1
MŽHIWÉNS (COTTONTAIL RABBIT) & VARYING HARE	10 Per Day; Any combination	Sep 1–Apr 31
MZISÉ (TURKEY) – Fall	1 Per Season; Male or Female	Oct 1–Nov 9
MZISÉ (TURKEY) – Spring	2 Per Season; Male Only	Apr 15-May 31
NKÁ (CANADA GOOSE) – REGULAR SEASON	5 Per Day; 10 Possession	Sep 20–Nov30
PIŠHKÍSI (GOOSE): Blue, Snow, White-front, Ross, Brant	5 Per Day; 10 Possession	Sep 20–Nov 30 See NOTE 1
WAÁB GAÁG (PORCUPINE)	NO LIMIT	Sep 1-Apr 1
WAÁWAÁŠHKEŠH (DEER)	5 Per Season; 2 Male – 3 Doe	Sep 15-Jan. 1 (bow and crossbow) TRIBAL LANDS ONLY - Sep 15-Jan 31 (See Section 10-8(c)(10) for gear restrictions applicable to specific Tribal Lands) See NOTE 2
ŽHEGAÁDENH (COOTS); GALLINULES	15 Per Day; 30 Possession	Sep 29–Dec 5
ŽHIÍŠHIÍB (DUCKS)	12 Per Day	Sep 15-Jan 20 See NOTE 3

NOTE 1. Daily bag for geese other than Canada geese shall not include more than 2 white-fronted geese or more than 2 brant.

NOTE 2. Daily bag applies to combined harvest from Tribal Lands, On-Reservation and Ceded Territory. See Section 10-8(c)(10) for gear restrictions applicable to hunters on Tribal Lands during certain portions of the season.

NOTE 3. Daily bag limit for ducks and mergansers is 12, but shall not include more than 1 hooded merganser, 2 pintail, 2 canvasback, 3 black duck, 6 mallard of which no more than 3 may be hen mallard, 3 wood ducks, 6 scaup (greater or lesser), and 2 redheads. Possession limit is 2 times the daily bag limit.

9-7. *Supplemental Migratory Birds Restrictions.*

a. *Shooting Hours.* From one half (1/2) hour before sunrise until sunset.

b. *Restrictions.* It shall be unlawful to:

1. Engage in wanton destruction of migratory birds.
2. Fail to make a reasonable effort to recover dead or wounded migratory birds.
3. Take, possess, transport, or aid, assist or abet the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law.
4. Exceed established limits or use prohibited means of taking migratory birds.
5. Fail to allow the inspection of any migratory bird or bird part in possession upon demand of an Enforcement Officer.
6. Take migratory birds with trap snare swivel gun, punt gun, battery gun, automatic fired weapon, shot gun with shells longer than three and one half inches (3.5”), fish hook, poison, drug, or stupefying substance, or explosive.
7. Take migratory birds with a shotgun of any description greater than ten (10) gauge and capable of holding more than three (3) shells, unless it is plugged with a one (1)-piece filler, which is incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
8. Use or be in possession of any shot other than steel (or other approved non-toxic shot)

to take migratory birds; provided, however, that it shall be legal to hunt woodcock and morning dove with shot other than steel (or approved non-toxic shot).

9. Hunt migratory birds from or by means or use of a sink box, or other low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water.

10. Use any rim fire, center fire, or muzzle-loading rifle to take migratory birds.

11. Pursue migratory birds from a motorboat, or any other craft having a motor attached, or sailboat unless the motor is completely off, and/or the sails are unfurled, or by means of any motorized land or air conveyance.

12. Use any land, water or air conveyance to drive, concentrate or disperse migratory birds.

13. Use or attempt to use bait, or hunt on or near a baited area. Baiting for migratory birds shall mean the use and distribution of any grain, meals, salt, or other feed whatsoever so as to lure or attract such birds; and a place or locale which has been baited may be considered baited for ten (10) days after such bait has been removed. Provided, however, that it shall be legal to hunt migratory birds in agricultural fields where crops are standing, or have been harvested as a part of normal agricultural operational procedures, or grown for wildlife management, provided that the seeds and grains are not scattered or redistributed once the crop has been harvested.

14. Violate any Federal law addressed in 50 C.F.R. Part 20 dealing with hunting migratory birds, which provisions are incorporated into these regulations by reference.

c. Any member hunting waterfowl shall have in their possession, a valid Tribal license.

d. Any Non-tribal member who is not a member of a Reciprocal Tribe shall be prohibited from hunting migratory birds on Tribal Trust Lands or Tribal Fee Lands.

e. Exceeding any established harvest limit shall be a Class C infraction.

f. Violating any established season restriction shall be a Class B Infraction.

9-8. *General Gear Restrictions.*

a. *Baiting.* The following restrictions apply to hunting with the use of bait.

1. Tribal members and members of a Reciprocal Tribe may use salt and/or bait to hunt for waáwaáshkešh (deer). No more than two (2) gallons of bait may be on the ground and dispersed over a one-hundred (100) foot radius.

2. Bait may not contain or be contained within metal, plastic, glass, wood, or non-biodegradable materials.

3. Bait may not be used within 150 yards of any public campsite.

4. Bait may not contain uncured swine products or honey.

5. It shall be legal to hunt mizísenh (wild turkey) in agricultural fields, where crops are standing or have been harvested as a part of normal agricultural operational procedures, or grown for a wildlife food source.

5. Violation of any provision of this subsection shall be a Class B Infraction.

c. *Restrictions on Hunting Gear.*

1. *Ground blinds and tree stands.*

A. Elevated tree stands and raised platforms may be used only for the purposes of hunting waáwaáshkešh (deer).

B. Tree stands, raised platforms, and ground blinds shall not be fastened, affixed, or attached to any tree by nails, screws, or bolts, or any other device that penetrates through the bark of a tree; provided however, that a "T" bolt or similar device supplied by a tree stand manufacture can be used.

- C. Screw-in tree steps shall not be used on Tribal lands.
 - D. Postholes shall not be dug into Tribal lands.
 - E. Any item that penetrates through the cambium (bark) of a tree shall not be used in the construction or affixing of any device to assist in climbing a tree.
 - F. All tree stands, raised platforms, and ground blinds put up on Tribal lands must have the persons Tribal Identification Number affixed to the stand and easily read from the ground.
 - G. Materials such as netting, cloth, or burlap for may be tied to a ground blind, raised platform, or tree stand for concealment or protection from the weather, so long as these materials are not permanently fastened, stapled, nailed, glued, or otherwise fastened to the blind or tree stand. Such materials must have the person's Tribal Identification Number placed on the material.
 - H. Tree stands, raised platforms and ground blinds cannot be placed or constructed on Tribal lands earlier than 7 days before the opening of waáwaáshkešh hunting season and must be removed no later than 7 days after the close of the season.
 - I. Violation of any substantive provision of this subsection shall be a Class A infraction.
- 2. No person shall use, or be in possession of, a device or apparatus known as a silencer, a night vision scope, or infrared device, or laser technology. Violation of this provision shall be a Class E infraction.
 - 3. Unless otherwise specified in these Regulations, no person shall make use of a cage, net, trap, pit, pitfall, deadfall, snare, drug, poison, chemical, fire, smoke, gas, explosive, or incendiary device for the purpose of harvesting or killing any animals. Violation of this provision shall be a Class E infraction.
 - 4. No person shall set or use fire to drive wild animals or to attempt to take wild animals. Violation of this provision shall be a Class E infraction.
 - 5. It shall be unlawful to hunt, except when hunting for mizíse (wild turkey) or waterfowl, during daylight hunting hours from September 15 through January 31, unless 1 square foot of hunter orange is worn and visible from all sides. Violation of this provision shall be a Class C infraction.
 - 6. Rifles shall not be used to hunt or shoot upland game birds.
 - 7. *Miimii (Mourning Doves)*. Shotguns shall be plugged with a 1-piece filler. Violations of this provision shall be a Class B infraction.
 - 8. *Esbaánh (Raccoon)*.
 - A. Only a .22/.17 caliber rim fire rifle or .22 caliber handgun, or shotgun with loads other than buckshot, slug, ball or cut shells shall be used.
 - B. Spotlights, floodlights, vehicle headlights, and other artificial lights not similar to the type ordinarily held in the hand or on the person are prohibited.
 - C. Violation of any provision of this subsection shall be a Class C infraction.
 - 9. *Mizísenh (Wild Turkey)*.
 - 1. Mizísenh may be taken during the season by means of shotgun, bow and arrow, or crossbow.
 - 2. Hunters may not carry a rifle, pistol, ball, cut shell, slug loads, or shot larger than No. 4 while hunting mizísenh.
 - 3. The use of any other weapon shall be a violation of this provision and shall be a Class C Infraction.

10. *Waawaashkesh (Deer)*. The following gear restrictions apply to harvest of waawaashkesh:
- A. All Open Lands in On-Reservation Areas (See Section 3-1)(except Tribal Trust Lands and Tribal Fee Lands:
 - i. September 15-January 1: Bows and Crossbows.
 - ii. November 1-January 1: Bows, Crossbows, Shotgun, Rifles and Muzzleloader.
 - B. Niesen, Dontz-B and Bull Property (See Attached Map) - September 15-January 31: Bows, Crossbows, Shotgun, and Muzzleloader.
 - C. Newland Academy Parcel (See Section 3-2(d)(2)(A & B)) September 15-January 31: Bows and Crossbows only.
 - D. All other Tribal Fee Lands and Tribal Trust Lands Open to Hunting (See Section 3-2(d)) - September 15-January 31: Bows, Crossbows, Rifle, Shotgun and Muzzleloader;
11. Shining wildlife while hunting or while in possession a firearm, bow, or crossbow is prohibited. Violation of this provision shall be a Class C Infraction.
- A. Provided that, this subsection shall not apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any roadway, cast a light upon animals or birds on or adjacent to such roadway, and there is no intent or attempt to locate animals or birds for harvest.
 - B. Provided further that LRB Tribal citizens, and GTB and LTB Tribal citizens, may use a flashlight while hunting small game and miscellaneous unprotected species that are not subject to particular hunting regulations.

Section 10. Ceremonial Harvest and Possession

10-1 *Ceremonial Notification*. Any Tribal member who wishes to hunt, fish, trap, or gather on Tribal lands for ceremonial purposes, shall complete a Ceremonial Notification form, approved by the Commission, and available from the LRB Cultural Preservation Committee or designated Cultural Department.

- a. The CPC or designated Cultural Department shall keep a running list of completed Ceremonial Notification Forms and shall report the numbers of Notifications, and such other data as the Commission shall from time-to-time require, to the Commission on a monthly basis.
- b. Ceremonial harvest shall be permitted for the following Aníshinaábek ceremonies or feasting events, or such other ceremony or feast events that the CPC or designated Cultural Department, from time to time, shall recognize for the purposes of special harvest activities:
 - 1. Birth of a child
 - 2. Child's first steps
 - 3. Waúweéndaussowin - Naming ceremony
 - 4. Waússaeyaubindumowin - Coming of age/Moon lodge/Vision quest
 - 5. Widígendiwin - Wedding/marriage ceremony
 - 6. Adoption
 - 7. Baúnindobindidowin - Going to war/War path ceremony
 - 8. Returning from war
 - 9. Wabúunowin - Ceremonies of Society of the Dawn
 - 10. Midéwiwin - Ceremonies of the Society of Medicine
 - 11. Spring feast
 - 12. Fall feast

13. Doctoring ceremonies
14. Jijíshginini - "Shake tent"
15. Thunder feast
16. Thirst dance
17. Ricing
18. Sugaring
19. Give away
20. Pagígendamowin - Crossing over ceremony/Ceremony for the dead
21. 1 year Closing ceremony/memorial
22. Jibaakwe - Ghost supper
23. Bimaadizi Da - "Living life in a good way" feast

c. As soon as possible after completion of the Ceremonial Notification Form, the CPC or designated Cultural Department, shall notify the Conservation Department and the Tribal Conservation Enforcement authority of the name and Tribal Identification number of the ceremonial harvester.

d. *Notice of Ceremonial Harvest To State.* As soon as possible after completion of the Ceremonial Notification Form, CPC or designated Cultural Department shall notify the appropriate agency of the State of Michigan, in writing, or by phone with follow-up in writing, of the pending ceremonial harvest.

e. A Tribal member harvesting under a Tribal ceremonial notice shall report, as soon as possible all plants, fish, wildlife, or migratory birds taken, numbers, dates, area harvested to the CPC or designated Cultural Department; provided that, such report shall occur no later than 48 hours after completion of the feast/ceremony.

10-3. It shall be unlawful to sell plants, fish, migratory birds, or wildlife taken for ceremonial purposes.

10-4. Violation of any provision of this section shall be a Class D infraction and the member may be required to make restitution to the Tribal community.

10-5. Nothing in this Regulation shall be construed to prohibit the possession or use of any species of plant or animal by a Tribal citizen for spiritual purposes.

Section 11. Commercial Harvest

11-1. *Commercial Seasons Closed Until Opened.* Unless and until the Natural Resource Commission acts to open a commercial fishing, trapping or gathering season for any species, such season shall be closed.

11-2. The harvest of wildlife or inland fish for commercial purposes is prohibited. Violation of this provision shall be a Class E Infraction.

11-3. The buying or selling of harvested fish or wildlife flesh, or parts of fish or wildlife flesh is prohibited. Violation of this provision shall be a Class E Infraction.

11-4. *Commercial Harvest of Plants.* No person shall cut off, cut down, pull up, collect, or otherwise harvest or remove from where it occurs, any naturally-occurring vegetation, or parts thereof, for commercial purposes, from any Tribal lands without a commercial harvest permit issued by the Natural Resource Department.

a. A commercial plant harvest permit shall specify the amount of vegetation to be collected and the time and location where such collecting may take place.

b. Completion of harvest education course.

c. Exempt for personal use.

d. Requires biological review before issuance of permit.

e. Harvest without proper gathering permit is Class E Infraction.

11-4. *Commercial Trapping.*

- a. *Permit required.* Any person who traps or intends to trap shall obtain a Trapping Permit for that year. Violation of this provision shall be a Class C Infraction.
- b. *Tags required.* Trappers shall obtain annual harvest tags after trapping badger, otter, or bobcat. Violation of this provision shall be a Class C Infraction.
- c. *Trapping species restrictions.* The Commission shall set minimum size and catch limits annually. For 2005, season dates and bag limits are shown in the following Table.

Table 5. Trapping Restrictions

SPECIES	BAG LIMIT	SEASON DATES
BADGER	1 Per Season	Oct 15–Mar 1
MÍK (BEAVER)-S	No Limit	Nov 16–Mar 16
ŽHGĚNS- (BOBCAT)	See NOTE 1	
WJÍÍG (FISHER)		No Open Season
WAÁGÓŠH (FOX, Grey & Red)	No Limit	Oct 15–Mar 1
MARTEN		No Open Season
ŽHAÁNGWÉŠHÍNH (MINK)	No Limit	Oct 1 – Mar 1
WŽHÁŠHk (MUSKRAT)-S	No Limit	Oct 1 – Mar 1
OPPOSSUM-S	No Limit	No Closed Season
NGÍG (OTTER) See NOTE 2	2 Per Season	Nov 1–Mar 16
WAÁB GAÁG (PORCUPINE)-S	No Limit	Sept 1 – April 1
MŽHIWÉNS (COTTONTAIL RABBIT)-S		
& VARYING HARE	No Limit	Sept 1 – April 1
ESBAÁNH (RACCOON)-S	No Limit	Sept 1 – April 1
ŽHGAÁG (SKUNK)	No Limit	Sept 1 – April 1
ŽHNGÓS (WEASEL)	No Limit	Sept 1 – April 1
KAKJÍÍŠH (WOODCHUCK)-S	No Limit	Sept 1 – April 1

NOTE 1: No bobcat may be targeted by trappers from Reservation lands. Any bobcat incidentally trapped must be reported to a Department biologist and released alive, or if dead, presented to a biologist for inspection.

NOTE 2: The bag limit for ngig (otter) is a combined limit for both On-Reservation harvest and Ceded Territory.

d. *Trapping Harvest and Gear Restrictions.*

1. Keeping a live fur-bearing animal alive after they have been taken is prohibited. A fur-bearing animal taken during the open season for such species shall be killed immediately and made part of the daily bag. Violation of this provision shall be a Class D Infraction.
2. Placing a trap, bait, or scent for fur-bearing animals during a closed season is prohibited. Violation of this provision shall be a Class C Infraction.
3. All traps shall have a metal tag attached, stamped with the name and all traps and snares set shall be clearly marked with the Tribal Identification Number of the person who set the trap. Violation of this provision shall be a Class B infraction.
4. Molesting, disabling or taking the traps of another is prohibited. Violation of this provision shall be a Class B infraction plus monetary compensation to the Trap owner in the event of stolen or damaged traps.
5. Disturbing or molesting any mink den, muskrat house, beaver house, or beaver dam is prohibited. Violation of this provision shall be a Class B infraction.
6. Trapping with bait exposed to view is prohibited. Violation of this provision shall be a Class B infraction.
7. Except when the muskrat or mink season is open, placing or operating any water set smaller than 5-½” jaw spread for steel-jaw traps, and 8”x8” of killer traps of the conibear type during the beaver season. Violation of this provision shall be a Class B infraction.

8. Setting place or operating any steel-jawed trap with a spread width more than 8" is prohibited. Violation of this provision shall be a Class B infraction.
9. Operating trap sets that permit the trapped animal to reach water, except during the muskrat, beaver, and mink trapping seasons is prohibited. Violation of this provision shall be a Class B infraction.
10. Setting any trap on a perch more than 3' above the ground is prohibited. Violation of this provision shall be a Class B Infraction.
11. Setting, placing, or operating, except as a water set, any killer trap of the conibear type that is larger than 7"x7", or any steel-jawed trap with teeth is prohibited. Violation of this provision shall be a Class C Infraction.
12. Setting any trap closer than 6' to any beaver house or dam is prohibited; provided that, during the open season for beaver, traps may be set within 15' of a beaver house or dam. Violation of this provision shall be a Class C Infraction.
13. Failure to check all dry land sets and to remove animals therein at least once *every per* day is prohibited. Violation of this provision shall be a Class B Infraction.
14. A person who fails to pick up traps or snares at the end of trapping season, or attends their traps or snares so that fur-bearing animals are wasted shall be liable and in violation of wanton waste.
15. Violation of any trapping bag limit or season date for furbearers shall be a Class C infraction per incidence.
16. Traps used for harvesting furbearers shall be leg-hold, box type, or body gripping (conibear) type. Violation of this provision shall be a Class C Infraction.
17. Snares may not be used except while trapping beaver, otter, or muskrat in a riparian corridor or submerged in streams or lakes. Violation of this provision shall be a Class C Infraction.
18. All non-target or protected (threatened and endangered) animals incidentally trapped, or over-the-bag limit catches, if alive, shall be immediately released; or, if dead, shall be turned in to the Natural Resource Department. Violation of this provision shall be a Class C Infraction per incidence. Tribal members may obtain an incidental seal for non-target animals and for one (1) animal over the bag limit.
19. Injured non-target or protected animals that are captured shall be immediately turned in to the Conservation Department. Violation of this provision shall be a Class C Infraction.
20. All bobcat, otter, and badger taken by trap, and all hides, pelts, and furs thereof, shall be marked clearly with the Tribal Identification Number and the name of the person who harvested the animal within 72-hours of the take. Violation of this provision shall be a Class C Infraction.
21. All hides, furs, pelts and carcasses of bobcat, badger, fisher, or otter trapped shall be presented to a Tribal Biologists for inspection and registration before they are shipped by common carrier, transported outside the 1836 Treaty ceded territory, or offered for sale or barter. All hides, furs, and pelts of bobcat and otter shall be registered/sealed in accordance with the Convention on International Trade on Endangered Species (CITES) Violation of this provision shall be a Class C Infraction.

Section 12. Prohibited Activities.

12-1. *Infractions.* The following shall be civil infractions of these Regulations, and upon a finding of violation by the Commission, shall be subject to penalties and consequences established in these Regulations:

- a. Buy or Sell fish, Game or parts of fish, reptiles, amphibians, or crayfish taken during a subsistence harvest. Violation of this provision shall be a Class C Infraction.
- b. Deposit litter, fish guts, or any foreign matter, in any waters, on any Tribal Lands. This does not include the placement of bait used for lawful fishing, trapping or hunting activities. Violation of this provision shall be a Class B Infraction.
- c. Engage in wanton destruction or waste of plants, fish, reptiles, amphibians, migratory bird, wildlife, or any natural resource. Violation of this provision shall be a Class D Infraction and the violator may be required to provide restitution to the Tribal community.
- d. Fish with firearms, explosives, poisons, lime, medicated bait, other deleterious substances. Violation of this provision shall be a Class D Infraction.
- e. Harass, impede, or interfere with any person who is gathering, hunting, fishing, trapping, or boating. Violation of this provision shall be a Class B Infraction.
- f. Import, Plant or Transplant white amur (Grass Carp), live game fish, or viable eggs of game fish, except under Tribal permit. Violation of this provision shall be a Class D Infraction.
- g. Possess illegally taken fish or mutilated fish that cannot be measured or identified. Violation of this provision shall be a Class C Infraction.
- h. Possess during any fishing activity a multi-pointed hook with a weight permanently attached. Violation of this provision shall be a Class B Infraction.
- i. Possess or transport live Eurasian ruffe, tubenose goby, or Round Goby, Snakeheads, or Rusty Crayfish. Violation of this provision shall be a Class C Infraction.
- j. Refuse to allow inspection of any fish, reptiles, or amphibians in possession upon request of an Enforcement Officer. Violation of this provision shall be a Class B Infraction.
- k. Shoot reptiles or amphibians with a firearm. Violation of this provision shall be a Class C Infraction.
- l. Take, or attempt to take, living freshwater mussels (Clams or other Bivalves), except Zebra Mussels, from any On-Reservation waters, except under Tribal permit. Violation of this provision shall be a Class C Infraction.
- m. Engage in any gathering, fishing, hunting, or trapping activity without first obtaining a Tribal Identification Card or permit, where required. Violation of this provision shall be a Class C Infraction.
- n. Use or allow another person to make use of a Tribal license or permit not their own. Violation of this provision shall be a Class C Infraction.
- o. Exceed established bag limits, or use prohibited means of taking game. Violation of this provision shall be a Class C Infraction.
- p. Hunt or trap while impaired due to the consumption of alcohol or controlled substances. A field alcohol blood level of .06%, as determined by a PBT, or failure of a field sobriety test for other substances, shall be prima facie evidence of intoxication. Violation of this provision shall be a Class D Infraction and the violator may be required to provide restitution to the Tribal community.
- q. Refuse to produce a Tribal permit or Tribal Identification Card upon the request of an Enforcement Officer. Violation of this provision shall be a Class D Infraction.
- r. Engage in fraud or perjury in procuring a Tribal permit. Violation of this provision shall be a Class D Infraction, and shall result in the loss of harvesting privileges for no more than 60 days.
- s. Refuse to allow inspection of any plants, fish, migratory birds, or wildlife, or parts thereof, in possession upon request of an Enforcement Officer. Violation of this provision shall be a Class B Infraction.
- t. Harvesting, or attempting to harvest plants, fish, migratory bird, or wildlife without a valid Tribal

Identification Card. Violation of this provision shall be a Class B Infraction.

u. Fishing with too many lines. Violation of this provision shall be a Class A Infraction for each line over the line restriction established by these Regulations.

v. Violation of daily fish creel and possession limits. Violation of this provision shall be a Class A Infraction.

w. Violation of season restrictions. Violation of this provision shall be a Class B Infraction.

x. Failure to remove an ice shanty from the ice before March 15th of each year. Violation of this provision shall be a Class C Infraction plus the costs of removal.

y. Fishing, or attempting to fish with a firearm, explosives, poisons, lime, medicated bait. Violation of this provision shall be a Class D Infraction.

z. Fail to make a reasonable effort to recover dead or wounded migratory birds or wildlife. Violation of this provision shall be a Class C Infraction.

aa. Take, possess, or transport, or aid, assist, or abet the taking, possession or transportation, of any migratory bird protected by Tribal or Federal law. Violation of this provision shall be a Class C Infraction.

bb. Exceed established limits, or use prohibited means of taking migratory birds. Violation of this provision shall be a Class B Infraction per citation.

cc. Knowingly shoot, attempt to shoot, or harm in any way any Endangered, Threatened or other protected species. Violation of this provision shall be a Class E Infraction.

dd. Take migratory birds with trap, snare, swivel gun, punt gun, battery gun, automatic fired weapon, fish hook, poison, drug, stupefying substance, or explosive. Violation of this provision shall be a Class E Infraction.

ee. During any migratory bird hunting activity, to use or be in possession of any shot other than steel, or other approved non-toxic shot, to take migratory birds; provided; however, that it shall be legal to hunt woodcock and morning dove with shot other than steel, or approved non-toxic shot. Violation of this provision shall be a Class B Infraction.

ff. Hunt migratory birds from or by means or use of a sink-box, or other low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water. Violation of this provision shall be a Class C Infraction.

gg. Use any rim fire, center fire, or muzzle-loading rifle to take migratory birds. Violation of this provision shall be a Class B Infraction.

hh. Pursue migratory birds from a motorboat, or any other craft having a motor attached, or sailboat unless the motor is completely off, and/or the sails are unfurled, or by means of any motorized land or air conveyance. Violation of this provision shall be a Class C Infraction.

ii. Use any land, water, or air conveyance to drive, concentrate, or disperse migratory birds. Violation of this provision shall be a Class C Infraction.

jj. Use or attempt to use bait for hunting migratory birds, or hunt on or near a baited area. Baiting for migratory birds shall mean the use and distribution of any grain, meals, salt or other feed whatsoever so as to lure or attract such birds; and a place or locale which has been baited may be considered baited for ten days after such bait has been removed. Violation of this provision shall be a Class C Infraction. Provided, however, that it shall be legal to hunt migratory game birds in agricultural fields where crops are standing, or have been harvested as a part of normal agricultural operational procedures, or grown for wildlife management, provided that the seeds and grains are not scattered or redistributed once the crop has been harvested.

kk. Violate any other provision of section 9-7 pertaining to the harvest of migratory birds not otherwise specified in this regulation. Violation of this provision shall be a Class B Infraction.

- ll. Transport migratory birds without the head or 1 fully feathered wing attached to each such bird at all times while being transported. Violation of this provision shall be a Class C Infraction.
- mm. Transport of migratory game birds belonging to another hunter. Violation of this provision shall be a Class B Infraction.
- nn. Engage in the sale of the flesh of subsistence-harvested game. Violation of this provision shall be a Class C Infraction.
- oo. Transport firearms in any motorized vehicle unless they are unloaded and encased or unloaded in a trunk not accessible from the driver and passenger compartment of the vehicle. Violation of this provision shall be a Class C Infraction. Provided however, that muzzleloaders with caps removed or pan empty are unloaded.
- pp. Discharge any firearm, or projectile from a motorized vehicle. Provided; however, that it is lawful to shoot from a motorized boat as long as the motor is not running and forward momentum has ceased, except for forward motion caused by the water current. Violation of this provision shall be a Class D Infraction.
- qq. Discharge any firearm within a safety zone, from a location within the right-of-way of a public road or highway open to vehicle traffic or across a public road open to vehicle traffic. Violation of this provision shall be a Class D Infraction.
- rr. Discharge of any firearm in a negligent manner that causes injuries or damage to persons or property within a safety zone or public road or highway. Violation of this provision shall be a Class E Infraction.

Section 13. Additional Prohibitions

- 13-1. *Importation of Species to Tribal Lands.* A person shall not intentionally import, introduce, or transplant any fish, wildlife, or migratory bird onto On-Reservation Areas. Violation of this provision shall be liable for a Class E Infraction.
- 13-2. *Littering.* No person, while engaged in any activity regulated by these Regulations, shall deposit upon any On-Reservation Areas any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, cans, barbed wire, boards, trash, garbage, lighted material, or waste substances including leaf, grass clipping and brush, without authorization from the Tribe. Violation of this provision shall be a Class D Infraction.
- 13-3. *Harassment of Wildlife.* No person shall harass any wildlife except as provided by this regulation. Violation of this provision shall be a Class C Infraction.
- 13-4. *Aiding or Abetting.* Counseling, encouraging, soliciting, requesting, aiding, procuring, or abetting another to commit any act prohibited under these Regulations is prohibited. Violation of this provision shall be a Class C Infraction.
- 13-6. *Causing a Fire Other Than Campfire.* The willful or careless setting or starting of a forest fire, brush, grass fire, or other destructive fire, or for failing to maintain a campfire, or setting a campfire in an area where fires are prohibited, by any person while on Tribal lands is a violation of these Regulations. Violation of this provision shall be a Class E Infraction.
- 13-7. *Discarding Fire Materials.* Leaving, throwing or discarding lighted or smoldering material (including lit cigarettes) in a manner that threatens, causes damage to or results in the burning of property, or creates a public safety hazard is prohibited. Violation of this provision shall be a Class D Infraction.
- 13-8. *Failure to Attend a Campfire.* Failure to fully extinguish a campfire before leaving a campsite or leaving a burning campfire unattended creates a public safety hazard and is prohibited. Violation of this provision shall be a Class B Infraction.
- 13-9. *Violation of Directives or Orders.* All directives or orders enacted by the Commission pursuant to law shall have full force and effect as law, and any person violating any such Directive or Order of the

Commission shall be liable for a Class D Infraction.

13-10. *Destruction of Property.* Destroying, injuring, or damaging personal property, notices, signboards, or other improvements while taking fish or wildlife is prohibited. Violation of this provision shall be a Class D Infraction.

13-11. *Defacing.* No person shall destroy, tear down, shoot at, deface or erase any printed matter or signs placed or posted by or under the instructions of the Commission or Tribal Council to assist in the enforcement of Tribal hunting and fishing regulations. Violation of this provision shall be a Class D Infraction.

13-12. Mutilating, defacing, disturbing, injuring, damaging, or destroying any natural item, including but not limited to wildlife, rocks, stones, fossils, or other property of the Tribe, including fences, signage, or other Tribal property while in the act of harvesting is prohibited. Violation of this provision shall be a Class C Infraction.

13-13. Destroying, removing, injuring, or cutting any green tree is prohibited; provided that, any Tribal member may take a green tree, or part thereof, for personal or ceremonial use. Violation of this provision shall be a Class B Infraction.

13-14. Placing in or near a stream, lake, or water, any substance that does or may pollute a stream, lake, or water, is prohibited. Violation of this provision shall be a Class E Infraction.

13-15. Dumping any refuse, debris, trash, or litter brought onto Tribal lands is prohibited. Violation of this provision shall be a Class E Infraction.

13-16. Failing to remove from Tribal lands all garbage, including any paper, can, bottle, sewage, wastewater, or other material or rubbish, brought as such onto Tribal lands, is prohibited. Violation of this provision shall be a Class C Infraction.

13-17. Failure to comply with Commission decision on citation. Violation of this provision shall be a Class C Infraction per incidence.

13-18. Harvesting when privileges suspended. Violation of this provision shall be a Class C Infraction.

13-19. Protection of Non-Game Birds. Non-Game Bird means all species of birds including songbirds, which are not listed or covered or provided for within the provisions of these regulations and are not otherwise protected. Violation of this provision shall be a Class C Infraction.

Section 14. Enforcement and Penalties

14-2. Civil Penalties.

a. *Fine classifications.* The following fines shall apply to the civil infractions in these Regulations:

Table 6. Civil Fines

CLASS OF INFRACTION	FINE
Class A	\$50
Class B	\$100
Class C	\$250
Class D	\$500
Class E	\$1000

b. *Repeat offenders violations.* A penalty of up to 3 times the amount of the base civil fine for each offense may be imposed if the violator is found liable for a second or any subsequent violation of the same provision.

14-2. Procedure for Civil Infractions.

a. Any person subject to the civil jurisdiction of the Little River Band and who is charged with an infraction under this chapter shall be subject to the procedures and remedies provided by these

Regulations.

b. Unless expressly provided for elsewhere in these regulations, a Tribal Enforcement Officer shall issue a civil citation for each civil infraction of these regulations.

c. Each citation shall contain the following information:

1. the express provision of the regulations alleged to be violated;
2. the substance of the violation alleged to have occurred;
3. the maximum forfeiture that can be imposed for the violation;
4. provide notice to the violator that the violator may appear at a civil hearing before the Commission, on the cited infraction;
5. the signature of the violator acknowledging receipt of the citation, amount of fine, and notice of the hearing date, time, and place.

d. Upon issuance of an infraction notice, the Tribal Enforcement Officer may seize all plants, fish, wildlife, or migratory birds in the possession of the suspected violator.

e. *Pay and forfeiture.* A violator who is issued a citation may pay the fine amount indicated on the citation in lieu of appearing before the Commission.

f. If the violator chooses to use the "pay and forfeit" procedure, the violator shall deliver the fine amount, in the form of check or money order, along with the citation, by mail or in person, to the Tribal Accounting Department within 14 days as provided on the citation. No other proceedings under these Regulations shall be initiated against any person who pays the fine as provided in this section.

g. If a violator does not use the "pay and forfeit" procedure under this section, the violator shall appear before the Commission on the date listed on the citation.

h. Upon completion of the hearing, the Commission shall issue an order to pay a fine, restitution, community service, or other remedy provided in these Regulations; or if the Commission determines that the suspected violator has not violated these Regulations, the Commission shall relieve the fine.

i. The Commission may assess reasonable hearing costs upon any person whom the Commission finds liable of the infraction cited.

14-3. *Immunity of Tribal Officers.* Tribal Conservation Officers, Tribal employees, Tribal Attorneys, and Natural Resource Commissioners, shall be immune from civil liability for acts committed in connection with the enforcement of Tribal or federal conservation laws and regulations.

14-4. *Field Bond.*

a. Upon issuing a citation, a Tribal Enforcement Officer may demand that a suspected violator post a Field Bond in an amount equal to the maximum penalty amount of the civil penalty plus the liquidated damages amount for the violations in the citation.

b. Bond property may be cash or other property of the violator that the Tribal Enforcement Officer reasonably believes is valued at an amount at least equal to the required citation and liquidated damages amounts.

c. Field Bond is justified and may be collected by an Tribal Enforcement Officer using any reasonably necessary, non-deadly force, when a violator who is issued a citation:

1. refuses to sign the citation; or
2. cannot be, or refuses to be, identified; or
3. is an enrolled LRB, LTB, or GTB Tribal citizen, or
4. any other reason that leads the Tribal Enforcement Officer to believe that the violator's presence at the Commission hearing cannot be assured, or the violator's willingness or ability to pay the fine or liquidated damages assessment reasonably can be questioned.

AND if the Tribal Enforcement Officer determines that:

5. seizure of the violator's property is necessary to secure the important Tribal interest of guaranteeing the presence within Tribal jurisdiction of sufficient assets of the violator to secure payment of the citation(s) and restitution to the Little River Band for any damages determined by the Commission to have resulted from civil violation of these Regulations; and
 6. there is a need for prompt action because it is likely that the violator will leave the jurisdiction of the Little River Band with violator's property and not return.
- d. The Tribal Enforcement Officer shall issue a Bond Notice to a suspected violator when the officer takes possession of any bond property.
1. The Bond Notice shall be prepared in triplicate and shall be signed by the suspected violator.
 2. One signed copy shall be attached to the civil citation and filed with the Commission; a second copy shall be retained by the Tribal Enforcement Officer for enforcement record; and a third copy shall be given to the suspected violator.
 3. The Bond Notice shall contain the following information:
 - A. date;
 - B. suspected violator's name and address;
 - C. complaint number;
 - D. alleged violation;
 - E. dollar amount of the fine;
 - F. estimated liquid damages amount;
 - G. identification number and signature of the issuing Tribal Enforcement Officer;
 - H. if cash bond is posted, the amount of the cash received;
 - I. if property bond is posted, a description of the property, including serial and model numbers, when available, and the Tribal Enforcement Officer's estimate of the value of the property;
 - J. information concerning the redemption or return of the Field Bond;
- e. Within 2 business days of being posted, all cash bonds shall be deposited in a trust account established by the Tribe's Accounting Department for that purpose.
- f. All bond property shall be inventoried, labeled with the suspected violator's name and citation number, and placed in secured storage within 24 hours of being posted.
- g. *Bond Redemption.* Non-cash bond property may be redeemed at any time during normal business hours by posting of a cash bond, or payment for damages, with the Tribal Accounting Office.
1. Post-judgment redemption must occur within 60 days of the entry of the Commission's final order regarding the infraction, unless an appeal is filed.
 2. In any case of bond redemption, the Tribal Accounting Office shall issue a receipt for the cash redemption value, which receipt shall be acknowledged by Tribal Enforcement as payment for the redeemed property.
- h. If the suspected violator is found liable for the alleged infraction, and there is no appeal, the bond shall be applied in satisfaction of the Commission's order.
1. Any non-cash bond property shall be sold at auction, and the proceeds shall be applied to the judgment.
 2. Any excess proceeds shall be returned to the violator.
- h. Failure to appear at the Commission hearing shall result in entry of a default judgment and forfeiture of bond.
- i. If the suspected violator is found to be not liable for the alleged infraction, Tribal Enforcement

shall return the bond property promptly.

14-5. *Damages.*

a. *Restitution for Improper/Illegal Harvest or Possession.*

1. In addition to any other penalties provided by law, a person found liable for a civil infraction or forfeiting bond, upon a charge of illegal taking, killing, or possession of a plant, fish, migratory bird, or wildlife creature, shall reimburse the Tribe for each plant, fish, migratory bird, or wildlife creature, according to the schedule in Table 6.

Table 6. Restitution for Illegal Harvest or Possession

SPECIES	FINE
Sturgeon, Grayling, Elk, Bear, any Endangered Species	\$2500
Deer	\$1500
Wild turkey, Beaver, mink, otter, badger, bobcat	
Muskellunge, Tiger muskellunge	\$1000
Lake Trout, Brown trout, Rainbow trout, brook trout,	
Largemouth bass, Smallmouth bass, Walleye, Northern pike,	
Whitefish, Menominee whitefish	\$100
Rabbit, muskrat, squirrel, raccoon, Ruffed grouse, woodcock,	
morning dove, ringneck pheasant, quail, sharptail grouse	\$100
Any fish or game animal not named	\$50

2. When the Commission enters an Order declaring bond to be forfeited, the Commission also may order that some or the entire forfeited bond be paid as restitution to the Tribe according to the above schedule. A hearing to determine the amount of restitution is not required for an Order of Restitution under this section.

b. *Restitution for other damages.* The Commission shall prepare and annually shall review and revise, as necessary, a Schedule of Liquidated Damages (SLD) calculated to approximate the cost of equitable restitution to the Tribe for damage that is caused by a violation of these Regulations. In calculating other liquidated damages, the Commission shall consider, in addition to any other factors reasonably deemed relevant:

1. cost to the Tribe of producing and protecting the resource, including the costs of law enforcement that shall include the general overall costs and cost particularized to the individual violation(s) where appropriate;
2. cost of replacing or restoring the resource, including, but not limited to, survey of the damaged resource, damage appraisal, investigational assistance and reports, rehabilitation, reforestation, loss of future revenue, and loss of productivity;
3. damages for trespass;

c. The Commission shall ensure that the SLD is posted annually in the Tribal buildings, and published in local newspapers in Manistee and Mason County.

c. In any hearing on a suspected infraction of these Regulations, the Commission shall presume that the amount fixed on the SLD represents the damages owed to the Tribe as restitution if the suspected violator is found liable for the infraction.

d. This presumption may be rebutted by evidence that shows, by clear and convincing evidence, that the amount indicated in the SLD is so excessive in a particular case as to be punitive, or so inadequate in a particular case as to result in a gross deprivation of adequate restitution.

e. In any case in which the presumption successfully is rebutted, the parties may introduce evidence to prove the actual damages as in any other civil case.

14-6. *Community Service.*

- a. In addition to any civil penalty or liquidated damages imposed, or community service, set out in this Regulation, the Commission may require, in lieu of, or in addition to any fine impose, and liquidated damages, community service of a type to be determined by the Commission.
- b. Examples of such community services may include, but may not be limited to, serving a feast for the elders, providing food and services to the membership during the spring or fall feasts, providing a feast for the membership, clean-up of Tribal lands, provide assistance to the Conservation Department biological staff, as requested.
- c. The Commission may consult with the Cultural Preservation Committee or designated Cultural Department in an effort to determine an appropriate remedy that best befits Aníshinaábek traditions for the violation.
- d. For any finding of liability for a violation that occurs during a ceremonial harvest, the penalty shall be exclusive of fines or liquidated damages, but all other provisions of civil penalties may apply.

14-7. *Remedial Harvest Education Course.* In addition to the civil penalties set out in this Regulation, the Commission may require any violator to complete a remedial Tribal Harvest Education Course.

14-8. *Costs.* The Commission also may charge the violator with payment of all reasonable costs associated with the civil prosecution of these Regulations, including collection of any settlement, fine, or restitution costs; witness expenses; accounting expenses; demand letters; Commission hearing costs; and attorney fees.

14-9. *Revocation of Harvest Privileges.*

- a. In addition to any fine imposed by the Commission as a result of a finding of liability for an infraction of these Regulations, the Commission may revoke a Tribal citizen's harvesting privileges if the member is found:

1. to be liable for 3 infractions during a 3-year period;
2. to have carelessly handled a firearm, trap, bow, or crossbow that caused accident and injury to a person or property;
3. to have carelessly handled a firearm, trap, bow, or crossbow that caused injury to fish, migratory birds, or wildlife;
4. to have carelessly injured a human being by use of a firearm, trap, bow, or cross bow;
5. to have caused accidental injury or death to a person by use of a firearm, trap, bow, or cross bow, and fled or failed to render assistance;
6. to have failed to comply with the terms of any Commission order, or administrative suspension of privileges.

- b. Any revocation of a member's harvesting privileges shall be for a period not to exceed 36 months.

- c. In the event that the Commission is considering whether to revoke a member's harvesting privileges, the Commission shall cause notice to be delivered by registered or certified mail, or personal service to the member.

1. The notice shall be delivered at least 14 calendar days before the Commission hearing called to determine the case.
2. The notice required by this Section shall contain the following:
 - A. a clear statement that the Commission will consider whether to revoke the offender's privilege of exercising harvesting privileges, and that the privilege may be revoked for up to 24 months.
 - B. a statement of the basis for the proposed action including a list of the infractions or violations involved;
 - C. the date of the Commission hearing to consider the case;
 - D. a statement that the member has the right to appear before the Commission, to

present evidence, to call witnesses, and to be represented by legal counsel at their own expense.

14-10. *Criminal Offenses and Procedures.* Any person subject to the criminal jurisdiction of the Little River Band who is charged with a criminal offense under these Regulations shall be prosecuted under the Rules of Criminal Procedures and, if found guilty, penalized as a criminal offender as prescribed by Tribal law.

a. *Resisting or Obstructing a Tribal Enforcement Officer.* A person shall be guilty of the criminal offense of resisting or obstructing an Tribal Enforcement Officer if the person:

1. physically assaults, or otherwise resists or obstructs any Tribal Enforcement Officer authorized to enforce the provisions of these Regulations; or
2. knowingly gives any false report to any Tribal Enforcement Officer.

b. *Eluding a Tribal Enforcement Officer.* A person shall be guilty of the criminal offense of eluding a Tribal Enforcement Officer if the person knowingly flees or attempts to evade an Tribal Enforcement Officer following a visible or audible signal to stop. A visible or audible signal under this section may include the use of hands, voice, emergency lights or sirens.

c. *Threat or Intimidation to a Tribal Enforcement Officer.* Any person shall be guilty of the criminal offense of threat or intimidation of an Tribal Enforcement Officer, who uses unjustified force or violence or threaten the use thereof on a Tribal Enforcement Officer for the purpose of interfering or influencing the performance of an official duty shall be guilty of the criminal offense of threat or intimidation to a Tribal Enforcement Officer.

d. *False Impersonation of a Tribal Enforcement Officer.* Any person shall be guilty of the criminal offense of false impersonation of a Tribal Enforcement Officer who falsely represents himself to be a Tribal Enforcement Officer authorized to enforce the provisions of these Regulation, or shall assume to act as such a Tribal Enforcement Officer, without having been duly appointed.

e. *Disorderly Conduct.* Any person shall be guilty of the criminal offense of disorderly conduct if the person causes a public inconvenience, annoyance, or alarm; or creates a risk thereof by engaging in fighting or threatening to fight; or making an offensively coarse utterance, gesture or display; or creates a hazardous or physically offensive condition by behavior that is threatening, challenging to fight or fighting is prohibited.

f. *Trafficking Fish and Game.* A person shall be guilty of the criminal offense of trafficking fish and game if the person:

1. sells or barter, or has in his possession with intent to sell or barter;
2. exposes or offers for sale or barter; or
3. ships for commercial purposes, or has in their possession with intent to ship for commercial purposes, any big or small game or fish or parts thereof.
4. Provided that, this section shall not apply to the sale or possession of fish lawfully taken during commercial treaty fishing season, the possession or sale of hides or antlers of game animals lawfully taken, or the sale or barter between members or descendants of any federally recognized Indian Tribes for the personal use of such members.

g. *Interference with Hunting or Fishing Related Property.* A person shall be guilty of the criminal offense of interference with the hunting or fishing-related property of another if the person, without the permission of the owner, uses, operates, occupies, moves, disturbs, taints or otherwise tampers with fishing gear, firearms, vehicles, boats, blinds, feed plots or other hunting or fishing-related personal property belonging to another.

Section XV. Adoption; Amendment; Repeal

15-1. *Adoption.* This Chapter is approved by the Natural Resources Commission and approved by the Tribal

Council on September 1, 2004.

15-2. *Amendment.* This regulation may be amended by the Natural Resource Commission in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that, any amendments must approved or adopted in the same manner as set forth in section 15-1.

15-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

15-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the 'spirit' of this regulation rather than complete compliance is acceptable.

15-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

15-6. *Effective Date.* These Regulations shall be effective immediately upon approval by the Little River Band Tribal Council.

15-7. *Repeal of Inconsistent Tribal Regulations.* All Regulations inconsistent with this Regulation are hereby repealed. To the extent that this document imposes greater restrictions than those contained in any other Tribal Ordinance or Resolution, the provision of this Regulation shall govern.

Chippewa Ottawa Resource Authority Commercial, Subsistence, and Recreational Fishing Regulations for the 1836 Treaty Ceded Waters of Lakes Superior, Huron, and Michigan

Part One: General Matters

Section I. Purpose. These Regulations are adopted to govern the commercial, subsistence, and recreational fishing activities of members of the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste. Marie Tribe of Chippewa Indians in exercising the Great Lakes fishing rights reserved by the Tribes in the Treaty of March 28, 1836. These Regulations are intended to ensure conservation of the fishery resource for future generations of the Tribes and to ensure safe fishing practices.

Section II. Scope and Application. These Regulations apply to the commercial, subsistence, and recreational fishing activities of all enrolled members of the Tribes in the 1836 Treaty waters and are in compliance with and implement the Consent Decree and the Management Plan.

Section III. Definitions. The following terms have the meanings indicated:

- (a) *"1836 Treaty waters"* means all waters of Lake Huron, Lake Michigan, Lake Superior, and connecting waters, which are within the area ceded in Article First of the Treaty of March 28, 1836, 7 Stat. 491.
- (b) *"Break wall"* means a man-made barrier that breaks the force of waves, as before a harbor.
- (c) *"BSD"* means Biological Services Division, which is the biological staff of CORA.
- (d) *"Commercial fishing"* means a fishing activity engaged in for the purpose of sale of fish or parts of fish.
- (e) *"Consent Decree"* means the Consent Decree entered in United States v. Michigan, W.D. Mich. Case No. 2:73 CV 26 on August 8, 2000, including any future modifications made by the Court.
- (f) *"CORA"* means the Chippewa Ottawa Resource Authority, an organization formed by the Tribes which has been delegated certain management and regulatory authority., including the authority to promulgate these Regulations.
- (g) *"Director"* means the Director of the BSD.
- (h) *"Enforcement Officer"* means:
 - (1) any conservation officer or game warden of a Tribe; or
 - (2) any conservation officer of the Michigan Department of Natural Resources; or
 - (3) any enforcement agent of the Bureau of Indian Affairs or the United States Fish and Wildlife Service authorized to enforce the provisions of Title 25, Code of Federal Regulations, Part 249; or
 - (4) any person authorized by a Tribe's ordinance to enforce these Regulations, including enforcement officers of the Great Lakes Indian Fish and Wildlife Commission if authorized by ordinance of a Tribe; or
 - (5) any other person authorized by CORA to enforce these Regulations.
- (i) *"Fishing" or "fishing activity"* means fishing for, catching, or taking any species of fish, or attempting to fish for, catch, or take any species of fish from 1836 Treaty waters, including all related activities which occur in or on the water or ice, until such time as the vessel or vehicle is moored, tied up, or grounded.
- (j) *"Gill net"* means a wall of webbing held vertically in the water by weights and floats, and designed to capture fish by means of entanglement.
- (k) *"GLRC"* means the Great Lakes Resources Committee, the committee of CORA charged with promulgating these Regulations and making other management decisions concerning Tribal fishing in the 1836 Treaty waters.
- (l) *"Grid"* means a geographical unit based on ten (10) minutes of latitude by ten (10) minutes of longitude and commonly used by Tribal, State, provincial, and federal governments for reporting fishery statistics. For the purpose of these Regulations, the area of a grid shall include only those portions of a grid that are within

the boundaries of the State of Michigan and the 1836 Treaty waters.

(m) "*Impoundment net*" means a net designed to capture fish by deflection and to retain them in a live condition until removed (e.g., trap, pound, fyke, or hoop nets, etc.).

(n) "*Large mesh gill net*" means a gill net having a diagonal stretch mesh measurement of four and one-half (4.5) inches or greater.

(o) "*Management Plan*" means the *Management Plan for the 1836 Treaty Great Lakes Waters* adopted by the Tribes and attached to the Consent Decree as Appendix B, including any future changes adopted in accordance with the Management Plan and the Consent Decree.

(p) "*Maps*" means the attached maps of 1836 Treaty waters which depict various types of zones, management units, refuges, and other areas defined in these Regulations.

(q) "*Mile*" means statute mile.

(r) "*Pier*" means a permanent man-made structure built for use by the public extending from land out over the water.

(s) "*Recreational fishing*" means fishing activity conducted in accordance with Section XVII of these Regulations.

(t) "*Regulations*" or "*these Regulations*" means the provisions of this document, including any subsequent modifications or amendments and, for jurisdiction and enforcement purposes, any Tribal regulations adopted in accordance with Section XXIV and any order of the Director issued under Section XXV.

(u) "*Round weight*" means the total weight in pounds of fish prior to any form of processing, dressing, or eviscerating, and includes the weight of the head, entrails, and skin.

(v) "*Seine*" means a net used to enclose fish when its ends are pulled together and are drawn to shore or to a vessel.

(w) "*Small mesh gill net*" means a gill net having a diagonal stretch mesh measurement of two and one-half (2.5) through three (3.0) inches.

(x) "*Subsistence fishing*" means a Treaty fishing activity solely to provide fish for personal or family consumption and not for sale or exchange, but does not include recreational fishing.

(y) "*Trap net*" means an impoundment net consisting of a lead, heart, tunnel, and pot or crib, the webbing of which is held on the lake bottom by leads and upright in the water by floats and held in place by anchors.

(z) "*Tribes*" (or individually, "Tribe") means the five (5) Tribes who are members of CORA: the Bay Mills Indian Community ("Bay Mills"), Grand Traverse Band of Ottawa and Chippewa Indians ("Grand Traverse"), Little River Band of Ottawa Indians ("Little River"), Little Traverse Bay Bands of Odawa Indians ("Little Traverse"), and Sault Ste. Marie Tribe of Chippewa Indians ("Sault Tribe").

(aa) "*Unattended nets*" means nets which have been tagged by an enforcement officer as such for at least four (4) days, except when fishing through the ice, which the fisher refuses to tend upon reasonable notice from an enforcement officer, or nets which contain entirely decayed fish.

Part Two: Zones

Section IV. Commercial Fishing Zones. Subject to the provisions of these Regulations, including its closures and restrictions, the following waters are open to Tribal commercial fishing by members of one or more of the Tribes:

(a) The tribal zones described in Section V.

(b) The intertribal zones described in Section VI.

(c) The trap net zones described in Section VII.

Section V. Tribal Zones.

(a) *Tribal zones are established as provided in this Section.* Except as may otherwise be provided in the Consent Decree or the Management Plan, and subject to these Regulations, each Tribe, within all or any

portion of its tribal zone, may prohibit commercial fishing or subsistence fishing by fishers from other Tribes, or allow commercial fishing by members of other Tribes by issuance of permits to such fishers. Permits may impose restrictions on commercial fishing in the Tribe's tribal zone by fishers from other Tribes that are in addition to or more restrictive than those contained in these Regulations. The following fishing activities are prohibited in tribal zones:

- (1) Fishing in the tribal zone of a Tribe when such activity has been prohibited by that Tribe.
- (2) Fishing in the tribal zone of a Tribe without a permit from that Tribe when such permit is required.
- (3) Fishing in the tribal zone of a Tribe in violation of any permit condition or regulation imposed by that Tribe.

(b) *Little Traverse Tribal Zone.*

(1) *Description:* Lake Michigan grids 517 through 519, the southeast quarter (SE¼) of grid 314, and the south half (S½) of grid 415.

(2) *Regulations:* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Commercial fishing in grid 518 shall be:

(A) Open to trap net fishing year round;

(B) Closed to large mesh gill net fishing except as follows:

a. From October 1 through April 30 west of a line running from Townline Road on the south to the Stuttsmanville Road tower on the north; and

b. From May 1 through September 30 west of a line from Nine Mile Point on the south to Seven Mile Point on the north.

(ii) Large mesh gill net operations in the south half (S½) and northeast quarter (NE¼) of grid 517 and that portion of grid 518 in which large mesh gill net commercial fishing is permitted shall not exceed 12,000 feet of large mesh gill net in the water at any time.

(iii) Fishing for yellow perch in the portion of grid 518 described in Section XIV(a)(4) is permitted subject to the provisions of Section XIV.

(c) *Grand Traverse Tribal Zone.*

(1) *Description:* Lake Michigan grids 615, 616, 712 through 716, 812 through 816, 911 through 916, 1011, and the south half (S½) of grid 614.

(2) *Regulations:* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) *Trap net operations.* This zone is open to trap net operations year round except for grids 915 and 916.

(ii) *Large mesh gill net operations:*

(A) Grids 615, 616, 715, 716, the south half (S½) of grid 614, and the northern portion of grids 815 and 816 extending one (1) mile south from their northern boundary shall be open year round to large mesh gill net fishing.

(B) Grids 712 and 713 shall be open to large mesh gill net fishing from the day after Labor Day through June 15.

(C) Grid 714 shall be open to large mesh gill net fishing from the day after Labor Day through April 30.

(D) In grids 712, 713, and 714, large mesh gill nets shall be set at depths of thirty (30) feet or deeper from January 1 through April 30 and from the day after Labor Day through September 30, except when fishing for salmon pursuant to Section XII(b).

(E) In addition to the provisions of sub. (D), above, in grids 712 and 713, large mesh gill nets shall be set at depths of fifty (50) feet or less from May 1 through

June 15.

(iii) *Small mesh gill net operations:*

(A) This zone shall be open to small mesh gill net fishing for chubs year round, except that grids 915, 916, and the portion of grids 815 and 816 south of a line one (1) mile south of their northern boundary are closed to all small mesh gill net fishing.

(B) Grids 615, 712, 713, 714, 715 [except for that portion described in Section XIII(a)(1)(I)], 716, and the south half (S½) of grids 614 and 616 shall be open year round to small mesh gill net fishing for yellow perch and walleye.

(d) *Little River Tribal Zone.*

(1) *Description:* Lake Michigan grids 1107 through 1111, 1207 through 1211, 1306 through 1310, and 1406 through 1410.

(2) *Regulations:* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) *Trap Net Operations.* This zone shall be open to up to two (2) Tribal trap net operations, not exceeding twelve (12) nets each. Trap net fishing by any Tribal fisher not authorized to fish by Little River is prohibited.

(ii) This zone shall be open to fishing up to two (2) small mesh gill net operations, not exceeding 24,000 feet of net each, fishing for chubs. Small mesh gill net fishing for any other species is prohibited. Small mesh gill net fishing by any Tribal fisher not authorized to fish by Little River is prohibited.

(iii) Commercial fishing with large mesh gill nets is prohibited in this zone.

(e) *Bay Mills Small Boat Zone.*

(1) *Description:* Those portions of Lake Huron grids 505 and 506 which lie south of a line from Hammond Bay Harbor buoy to the northeast corner of grid 506.

(2) *Regulations.* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

(i) Commercial fishing shall be restricted to October 1 through December 31, and subject to a spawning closure as described in Section IX(g).

(ii) Effort shall be limited to no more than ten (10) small boats (twenty-six [26] feet or less) fishing a maximum of 6,000 feet of large mesh gill net per boat. This limitation includes any boat used for assessment purposes. Fishing by any Tribal fisher not authorized to fish by Bay Mills is prohibited.

(iii) Except as may be authorized for assessment fishing, nets must be set in water seventy-five (75) feet deep or less.

(iv) All live lake trout shall be released.

(v) Commercial fishing by Sault Tribe fishers is prohibited in this zone.

(f) *Sault Tribe Tribal Zone.*

(1) *Description:* Those portions of Lake Huron within one (1) mile from shore and delineated by the following landmarks:

(i) St. Martin's Bay zone - from Rabbit Back Point north and east to Brulee Point.

(ii) Cordwood Point zone - from Cordwood Point south to a point one-half (0.5) mile north of the Hammond Bay harbor light.

(2) *Regulations.* Subject to the provisions of these Regulations, the following regulations apply in this zone:

(i) The waters described in sub. (1), above, shall be the Sault Tribe Tribal Zone only during the salmon seasons set forth in Section XII(c)(2). At all other times, these waters shall be part of the Northern Lake Huron Inter-Tribal Fishing Zone. See Section VI(d).

- (ii) Other restrictions applicable to this zone are set forth in Section XII(c).
- (iii) Commercial fishing for salmon by Bay Mills fishers is prohibited in the portion of this zone described in sub. (1)(ii), above.

Section VI. Intertribal Zones.

(a) Northern Lake Michigan Inter-Tribal Fishing Zone.

(1) *Description:* Lake Michigan grids 115 through 118, 211 through 220, 310 through 320, 409 through 419, 509 through 516, 613, and the north half (N½) of 614, except for the southeast quarter (SE¼) of grid 314 and the south half (S½) of grid 415.

(2) *Regulations:* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

- (i) This zone shall be open to fishers from all Tribes.
- (ii) Fishers from Bay Mills, Little River, and Sault Tribe shall be limited to four hundred (400) pounds round weight of lake trout per vessel per day caught within the following grids: Lake Michigan grids 315, 316, 317, 318, 319, 320, 417, 418, 419, and the north half (N½) of grids 313, 314, and 415.
- (iii) Each Tribal trap net operation shall be limited to twelve (12) trap nets in the water at any one time within the following grids: 313, 314, 315, 316, 317, 318, 319, 320, 413, 414, 415, 416, 417, 418, and 419.

(b) Lake Michigan Northern Development Zone.

(1) *Description:* Lake Michigan grids 610 through 612, 709 through 711, 808 through 811, 908 through 910, and 1008 through 1010.

(2) *Regulations:* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

- (i) Grids 711, 811, 910, and 1010 shall be open to Grand Traverse trap net operations targeting whitefish; provided, that the aggregate net effort shall not exceed twelve (12) nets in the water at any one time.
- (ii) Except as provided in sub. (I), above, tribal commercial fishing in this zone shall be limited to a permit fishery targeting bloater chubs.
- (iii) Tribal commercial fishing for all other species is prohibited.

(c) Lake Michigan Southern Development Zone.

(1) *Description:* All 1836 Treaty waters of Lake Michigan south of the northern boundary of the 1500 tier of grids.

(2) *Regulations:* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

- (i) *Trap Net Operations.* This zone shall be open to one (1) Tribal trap net operation, not to exceed twelve (12) nets. Trap net fishing by any Tribal fisher not authorized to fish by Little River is prohibited.
- (ii) *Chub Operations:* Tribal commercial fishing for chubs with small mesh gill nets by one (1) operation not exceeding 24,000 feet of net is allowed in this zone. Small mesh gill net fishing for any other species is prohibited. Small mesh gill net fishing by any Tribal fisher not authorized to fish by Little River is prohibited.
- (iii) Commercial fishing with large mesh gill nets is prohibited in this zone.

(d) Northern Lake Huron Inter-Tribal Fishing Zone.

(1) *Description:* Lake Huron grids 202, 207 through 209, 301 through 309, 401 through 410, 504, and those portions of grids 505 and 506 which lie north of a line from Hammond Bay Harbor buoy to the northeast corner of grid 506, except for those portions of grids 303 and 304 closed to all commercial fishing as described in Section VIII(e).

(2) *Regulations:* Subject to the provisions of these Regulations, the following regulations shall apply in this zone:

- (i) Except as provided in sub. (iii), below, this zone shall be open to fishers from all Tribes.
- (ii) The area described in Section VIII(f) shall be closed to commercial fishing beginning the Friday before Memorial Day through Labor Day.
- (iii) The following restrictions apply to large mesh gill net operations in that portion of Lake Huron grids 505 and 506 that lies north of the line described in sub. (1), above:
 - (A) Effort shall be restricted to a maximum of 8,500 feet of net per vessel; and
 - (B) Fishing shall be limited to depths of seventy-five (75) feet or deeper from the Friday before Memorial Day through Labor Day.

(e) *Lake Superior Inter-Tribal Fishing Zone.*

(1) *Description:* All Lake Superior water east of the western edge of grids 934, 1034, 1134, 1234, 1334, 1434, 1534, and 1634.

(2) This zone shall be open to fishers from all Tribes subject to the provisions of these Regulations.

Section VI. Trap Net Zones.

(a) *Bay de Noc Trap Net Zone.*

(1) *Description:* Lake Michigan grids 306, 308, 309, 406 through 408, and 506 through 508.

(2) *Regulations:* Subject to the provisions of these Regulations, the following regulations apply in this zone:

- (i) All fishing is prohibited west of a line extending from the mouth of the Escanaba River in Delta County due east to the center of the shipping channel, thence due south to the Michigan-Wisconsin border.
- (ii) Except as provided in sub. (v), below, Tribal commercial fishing by any method other than trap nets shall be prohibited.
- (iii) Each trap net operation shall be limited to fifteen (15) trap nets.
- (iv) Little Traverse may locate one (1) trap net operation within this zone, and the remainder of the trap net operations shall be Sault Tribe fishers. Commercial fishing with trap nets by fishers from any other Tribe, or by fishers from Little Traverse or Sault Tribe who have not been authorized to fish in this zone by their Tribe, is prohibited.
- (v) Notwithstanding the above, fishing for yellow perch in the portion of grid 508 described in Section XIV(a)(2) is permitted in accordance with Section XIV.

(b) *Southern Lake Huron Trap Net Zone.*

(1) *Description:* Lake Huron grids 507 through 512, 606 through 611, 709, and those portions of grids 612, 613, 710, 711, and 810 which are north of a line from the mouth of the Thunder Bay River in a straight line northeast through the northeast corner of grid 711 to the international border.

(2) *Regulations:* Subject to the other provisions of these Regulations, the following regulations apply in this zone:

- (i) Except as provided in sub. (v), below, Tribal commercial fishing by any method other than trap nets shall be prohibited.
- (ii) Trap net fishing in this zone shall be open only to Bay Mills and Sault Tribe trap net fishers by permit. Trap net fishing by fishers from any other Tribe is prohibited. The permits shall be allocated equally between Bay Mills and Sault Tribe. If a Tribe has insufficient fishers interested in the permits allocated to it, the excess permits shall be made available for issuance by the other Tribe.
- (iii) A total of four (4) trap net operations shall be authorized for this zone. Trap net fishing by fishers from Bay Mills and Sault Tribe who have not been authorized by their Tribe to fish in this zone is prohibited.

- (iv) Each trap net operation is limited to twelve (12) trap nets within the zone.
- (v) Fishing for chubs with small mesh gill nets or small mesh trap nets shall be authorized only by permit issued by CORA. Such permits shall be available to fishers from any Tribe.
- (vi) Bay Mills and Sault Tribe may authorize the Tribal fishers permitted to fish with trap nets in this zone to obtain permits from the State to fish with trap nets in those waters within the State of Michigan south of the southern boundary of this zone and north of a line from the tip of North Point on Thunder Bay in a straight line northeast parallel to the southern boundary of this zone to the international border. The aggregate net effort allowed by all such permits shall not exceed sixteen (16) nets.

(c) *Western Lake Superior Trap Net Zone.*

- (1) *Description:* All 1836 Treaty waters west of the western edge of grids 934, 1034, 1134, 1234, 1334, 1434, 1534, and 1634.
- (2) Tribal commercial fishing by any method other than trap nets is prohibited.

Section VIII. Closed or Limited Fishing Zones.

Except as otherwise provided in this section, Tribal commercial fishing is prohibited in the following areas:

- (a) The St. Marys River, east of a line extending from Point Aux Pins, Ontario, to Brush Point, Michigan, downstream to the Detour - Drummond Island ferry docks, including all of Potagannissing Bay from Hay Point (Drummond Island) west to Cherry Island and north to the international boundary.
- (b) Lake Michigan grid 519 in Little Traverse Bay.
- (c) Lake Michigan grids 915 and 916 in Grand Traverse Bay.
- (d) Those portions of Lake Michigan grid 306 that lie within 1836 Treaty waters and north of a line from the mouth of the Ford River to Peninsula Point.
- (e) Those portions of Lake Huron grids 303 and 304 described as follows: The Les Cheneaux channels, or entrances thereto, or waters adjacent thereto within a line drawn as follows: beginning at the southernmost point of land on the westerly side of McKay Bay; then southerly in a straight line to the northernmost point of Boot Island; then along the eastern shore of Boot Island to its southernmost point; then along the south shoreline of Boot Island to its westernmost point; then westerly in a straight line to the southernmost point of Government Island; then along the shoreline of Government Island to the point at which the distance between said island and LaSalle Island is the least, then westerly in a straight line to LaSalle Island; then along the eastern and southern shoreline of LaSalle Island to the point at which the distance between said island and Little LaSalle Island is the least; then westerly in a straight line to Little LaSalle Island; then westerly along the southern shoreline of Little LaSalle Island to its westernmost point; then westerly in a straight line to the eastern shore of Marquette Island; then along the southwestern shore of Marquette Island to Coats Point; then northwesterly to the southernmost part of Brulee Point, except that trap net fishing targeting whitefish shall be permitted in that portion of Lake Huron grid 303 within the area encompassed by a line from Coats Point on Marquette Island along the western shore of said island to Cube Point; then due west to the shore of Brulee Point; then southeasterly along said shore to the southern tip of Brulee Point; then southeasterly to Coats Point on Marquette Island.
- (f) For the period from the Friday before Memorial Day through Labor Day only, those portions of Lake Huron grids 304 and 305 north of a line beginning at the southerly point of land on the easterly side of Dudley Bay (Cadogan Point); then running southwest in a straight line to the southeasterly end of Beaver Tail Point; then running westerly in a straight line to the southeasterly end of Whitefish Point in Mackinac County.
- (g) Any area within one hundred (100) yards of any break wall or pier; provided, that this prohibition shall not apply to salmon fishing authorized by these Regulations.
- (h) Any area within a three-tenths (0.3) mile radius of the mouth of the following streams; provided, that this prohibition shall not apply to salmon fishing authorized by these Regulations:

- (1) Lake Superior.
 - (i) Marquette County: Chocolay River and Sand River;
 - (ii) Alger County: Laughing Whitefish River, Autrain River, Anna River, Mosquito River, Seven Mile Creek, and Hurricane River;
 - (iii) Luce County: Blind Sucker River, Big Two Hearted River, and Little Two Hearted River; and
 - (iv) Chippewa County: Tahquamenon River and Pendills Creek.
- (2) Lake Huron.
 - (i) Mackinac County: Nunns Creek, Pine River, and Carp River;
 - (ii) Cheboygan County: Cheboygan River;
 - (iii) Presque Isle County: Ocqueoc River, Swan River, and Grand Lake Outlet;
 - (iv) Alpena County: Thunder Bay River.
- (3) Lake Michigan.
 - (i) Delta County: Escanaba River, Days River, Tacoosh River, Rapid River, Whitefish River, Ogontz River, Sturgeon River, Big Fishdam River, and Little Fishdam River;
 - (ii) Schoolcraft County: Thompson Creek, Manistique River, and Milakokia River;
 - (iii) Mackinac County: Crow River, Millecoquins River, Black River, Paquin Creek, Cut River, and Brevoort River;
 - (iv) Emmet County: Carp Lake River and Bear River;
 - (v) Charlevoix County: Pine River;
 - (vi) Antrim County: Elk River;
 - (vii) Grand Traverse County: Boardman River;
 - (viii) Leelanau County: Leland River;
 - (ix) Benzie County: Platte River and Betsie River;
 - (x) Manistee County: Arcadia Lake Outlet, Portage Lake Outlet, and Manistee River;
 - (xi) Mason County: Pere Marquette River;
 - (xii) Oceana County: Pentwater Lake Outlet, Silver Creek, and Stoney Creek;
 - (xiii) Muskegon County: White River and Muskegon River; and
 - (xiv) Ottawa County: Grand River.
 - (i) The following provisions for harbor closures shall apply:
 - (1) The area within one-half (0.5) mile of the break walls at the Hammond Bay Harbor of Refuge; provided, that in that portion of this closure that lies within the Bay Mills Small Boat Zone described in Section V(e)(1), the closure shall be reduced to three-tenths (0.3) mile during any period in which fishing in that zone is restricted to depths of seventy-five (75) feet or less.
 - (2) The area within two (2) miles of the break walls at Rogers City.

Part Three: Gear

Section IX. Gear Restrictions.

- (a) The following are the only types of gear which shall be permitted for commercial fishing activity:
 - (1) Large mesh gill nets;
 - (2) Small mesh gill nets;
 - (3) Impoundment nets;
 - (4) Seines; and
 - (5) Hooks.
- (b) Trap nets shall have a four and one-half (4.5) inch (stretch) minimum pot mesh size, except:

- (1) Trap nets of four and one-quarter (4.25) inches pot mesh size or greater may be used if they were used within 1836 Treaty waters prior to May 31, 2000.
 - (2) Small mesh trap nets having a two and one-half (2.5) to three (3.0) inch (stretch) pot mesh size may be used for fishing for yellow perch, chubs, or other appropriate species as authorized by GLRC.
- (c) All nets shall be clearly marked at each end with a buoy on the surface, showing the license number of the owner. Commencing in 2002, nets shall be marked as follows:
- (1) All gill nets set in depths greater than fifteen (15) feet shall have a staff buoy at each end with at least four (4) feet exposed above the surface of the water with a red or orange flag no less than twelve (12) inches by twelve (12) inches bearing the license number of the fisher and affixed to the top of the staff.
 - (2) Any gill net or portion of a gill net set in water less than fifteen (15) feet deep shall have: a red or orange float not less than one (1) gallon in size, or a red or orange PVC float that is at least six (6) inches by fourteen (14) inches in size, on each end that is in water less than fifteen (15) feet deep. The floats at the ends of the net shall bear the license number of the fisher. In addition, each such net shall also have either:
 - (i) An additional float of the size described above spaced every three hundred (300) feet or less along the length of the net that is in water less than fifteen (15) feet; or
 - (ii) Standard commercially available fluorescent orange floats at least one and one-half (1.5) inches by four (4) inches in size along the corkline not less than every twelve (12) feet in water less than fifteen (15) feet.
 - (3) All trap nets must be marked with a staff buoy on the pot with at least four (4) feet exposed above the surface of the water with a red or orange flag no less than twelve (12) inches by twelve (12) inches bearing the license number of the fisher and affixed to the top of the staff. In addition, the king anchor and inside end of the lead shall be marked with a red or orange float not less than one (1) gallon in size.
- (d) No Tribal commercial fisher shall use large mesh gill nets with mesh greater than five and one-half (5.5) inches stretch measurement at any time in any 1836 Treaty waters except as follows:
- (1) When fishing for salmon under these Regulations; or
 - (2) When fishing in Lake Superior Lake Trout Management Unit MI-8 using large mesh gill nets that were used in that area prior to May 31, 2000.
- (e) The use of any gear, mesh size, or method of capturing fish not authorized by subs. (a) through (d), above, is prohibited.
- (f) Tribal commercial fishing gear shall not be set in a manner which completely blocks or entirely prevents the free passage of fish into and out of streams that flow into 1836 Treaty waters.
- (g) All commercial fishing with impoundment nets and large mesh gill nets shall be prohibited during the period from 12:00 noon November 6 through 12:00 noon November 29 to protect spawning lake trout and whitefish. Trap nets may remain in the water during this period, but trap net tunnels must be tied closed. During this period, fishing for or retention of whitefish or lake trout caught in any gear is prohibited.
- (h) Commercial fishing with small mesh gill nets in six (6) fathoms of water or less shall be prohibited from October 15 through November 15.
- (i) Possession of a firearm while engaged in fishing activity under these Regulations is prohibited.
 - (j) Unattended nets may be seized by an enforcement officer and forfeited; provided, that if the nets have been reported to the appropriate Tribe as vandalized or lost prior to seizure, the fisher shall be provided a reasonable opportunity to retrieve the nets.

Section X. State-funded Trap Net Operations.

- (a) Upon acceptance of a state-funded conversion trap net operation under section X.C. of the Consent

Decree, use or possession on the water of large mesh gill nets by a converted Tribal fisher is prohibited, except as provided in sub. (c), below.

(b) Use or possession on the water of small mesh gill nets is prohibited on state-funded conversion trap net vessels, except for the taking of chubs and menominee.

(c) A Tribal fisher who converts to trap nets under section X.C. of the Consent Decree shall not thereafter resume the use of large mesh gill nets except as follows:

(1) Subject to Tribal approval, after two (2) years of use of the trap net operation, the fisher may exchange license and gear with another Tribal licensee who represents at least sixty percent (60%) of the average large mesh gill net effort of the converted fisher during the years 1997 through 1999.

(2) Subject to Tribal approval, a converted fisher may acquire a large mesh gill net operation and license if the fisher has sold his trap net operation and retired from the fishery for a period of two (2) years.

(d) A Tribal fisher who participates in the gill net conversion program under section X.C. of the Consent Decree may sell his or her trap net operation and transfer the fisher's captain's license as provided under current Tribal regulations. Anyone acquiring such a conversion trap net operation shall be subject to the same restrictions as the original conversion program participant.

(e) Any Sault Tribe fisher who converts to trap nets under the program described in Section X.C. of the Consent Decree and who moves his or her fishing operation to one of the trap net zones described in Section VII(a) or Section VII(b) is prohibited from fishing in the following area for a period of two years after his or her conversion: Lake Michigan grids 313, 314, 315, 316, 317, 318, 319, 320, 413, 414, 415, 416, 417, 418, and 419. Thereafter, the fisher may fish in this area only if GLRC authorizes the fisher to do so.

(f) The trap net operations received by Little Traverse as described in section X.A.2.b. of the Consent Decree may also be used for fishing large mesh gill nets for salmon only and for fishing small mesh gill nets for all permitted species. Large mesh gill net fishing by these operations for any species other than salmon is prohibited.

Part Four: Species

Section XI. Lake Trout.

(a) *Lake Trout Refuges.*

(1) The following areas shall be lake trout refuges:

(i) In Lake Huron, grids 307 through 309, the north half (N $\frac{1}{2}$) of grid 407, and grids 408 through 410.

(ii) In Lake Michigan, two (2) locations:

(A) Grids 413, 414, 513, 514, 515, 516, and 613; the south half (S $\frac{1}{2}$) of grids 313, 314, and 415; the north half (N $\frac{1}{2}$) of grid 614; and the northwest quarter (NW $\frac{1}{4}$) of grid 517.

(B) Grids 1606, 1607, 1706, 1707, 1806, 1807, 1906, and 1907.

(2) Commercial and subsistence fishing with gill nets is prohibited in any refuge.

(3) Commercial fishing with trap nets is permitted, but retention of lake trout is prohibited.

(4) Retention of lake trout caught by commercial, subsistence, or recreational fishers in any lake trout refuge is prohibited.

(b) *Retention of Lake Trout by Tribal Fishers.*

(1) In trap net zones identified in Section VII retention of lake trout caught in trap nets is prohibited. All lake trout caught by such fishers shall be returned to the water whether dead or alive.

(2) All Tribal trap net fishers who have converted their operations to trap net operations at the expense of the State of Michigan, either as part of the gill net conversion program described in section X.C. of the Consent Decree or through any supplemental conversion program instituted while

the Consent Decree is in effect, are prohibited from retaining lake trout. All lake trout caught by such fishers shall be returned to the water whether dead or alive.

(3) A lake trout bag limit not to exceed one hundred (100) pounds round weight per vessel per day shall apply to all other Tribal trap net fishers. No lake trout under seventeen (17) inches long shall be retained.

(4) All live lake trout less than seventeen (17) inches long caught by Tribal gill net fishers shall be released. No more than fifteen (15) pounds round weight per vessel per day of undersized lake trout shall be retained by Tribal gill net fishers. Undersized lake trout shall not be offered for sale.

(5) The use of small mesh gill nets in waters of six (6) fathoms or less in Lakes Huron and Michigan is prohibited from 12:00 noon October 15 through 12:00 noon November 15.

(6) The use of small mesh gill nets in Lakes Huron and Michigan in waters between fifteen (15) and forty (40) fathoms is prohibited at all times.

Section XII. Salmon.

Subject to the other provisions of these Regulations, salmon fishing is authorized as provided in this section.

(a) *Little Traverse Salmon Fishery.* A limited entry permit salmon fishery in Lake Michigan for Little Traverse fishers is authorized subject to the following restrictions:

(1) Salmon fishing by Little Traverse fishers shall be permitted within one (1) mile from shore from Seven Mile Point in grid 518 north to McGulpin Point in grid 320, from August 1 through October 15.

(2) Nets may be fished at the surface in this fishery from September 10 through October 15. At all other times during the salmon season in this salmon fishery, nets shall be set at least eight (8) feet below the surface.

(b) *Grand Traverse Salmon Fishery.* A salmon fishery in Lake Michigan for Grand Traverse fishers is authorized subject to the limitations of this subsection:

(1) Salmon fishing shall be permitted from September 15 through October 30 in grid 615, the south half (S½) of grid 614, and in that portion of grid 714 which is north of an east-west line commencing three-tenths (0.3) mile north of mouth of the Leland River.

(2) Salmon fishing shall be permitted from the day after Labor Day through October 30 in those portions of grids 715 and 815 within the boundaries of a line from the tip of Omena Point to buoy N"2" off Omena Point, then to buoy C"1" off Stony (Suttons) Point, and then due west to the intersection with the Leelanau Peninsula.

(c) A salmon fishery in Lake Huron shall be authorized subject to Section V(f) and the limitations of this subsection:

(1) Fishing for salmon by the Tribal commercial fishers is limited to the Sault Tribe Tribal Zone described in Section V(f)(1).

(2) Salmon fishing shall be permitted from August 1 through October 15 in the St. Martin's Bay zone, and from September 10 through October 15 in the Cordwood Point zone.

(3) Nets may be fished at the surface at any time during the specified salmon seasons in the areas described in subs. (1) and (2), above.

(d) Except as provided in subs. (1), (2), and (3), above, commercial fishing for salmon is prohibited, except the for incidental harvest allowed in sub. (e), below.

(e) Retention of more than two hundred (200) pounds round weight per vessel per day of salmon caught as incidental catch in gill nets in waters and seasons not open to salmon fishing is prohibited.

(f) Retention of salmon caught in trap nets is prohibited. All salmon caught in trap nets must be returned to the water whether dead or alive.

(g) Salmon nets shall be marked in accordance with the following:

(1) Each gang of salmon nets shall be marked at each end with a staff buoy which extends a

minimum of five (5) feet above the surface and which:

- (i) is at least fifty percent (50%) reflective orange in color;
- (ii) has affixed to the top one orange flag twelve (12) inches by twelve (12) inches in size; and
- (iii) has affixed the license number of the fisher.

(2) Each gang of nets shall have attached along the top edge of the net orange PVC floats which are at least six (6) inches by fourteen (14) inches in size and which are evenly spaced along the length of the gang at intervals of not more than three hundred (300) feet of net.

(h) Salmon nets shall be set in a manner that permits reasonable ingress and egress by shoreline residents.

Section XIII. Walleye.

(a) Tribal commercial fishing for walleye is permitted in the following locations, subject to the restrictions in this section and the other provisions of these Regulations:

(1) Lake Michigan grids 116, 117, 118, 218, 219, 615, 712, 713, 714, 715, 716, and the south half (S½) of grids 614 and 616, subject to the following restrictions:

(i) The area in grid 715 north and west of a line from the tip of Northport Point in a direct line to R"2" Bell buoy off Northport Point, then due west to the shore, is closed to walleye fishing except from March 16 through April 23. Fishing for walleye during this period shall be limited to depths of twenty (20) feet or less using impoundment nets. All yellow perch shall be returned to the water dead or alive.

(ii) Small mesh gill nets shall be limited to two and three-quarters (2.75) to three (3.0) inch stretch measure in the north half (N½) of grid 715 outside of the area described in sub. (I), above.

(iii) Small mesh gill nets shall be set in waters ninety (90) feet deep or less in grids 712, 713, and 714.

(iv) Small mesh gill nets shall be set in waters from twenty (20) to ninety (90) feet deep in grids 615 and 716, the south half (S½) of grids 614 and 616, and the portion of grid 715 outside the area described in sub. (I), above.

(v) Nets set for walleye in grids 712, 713, 714, 715, 716, 615, and the south half (S½) of grids 614 and 616 shall be no more than six (6) feet in height and shall be set with the lead line on the bottom of the lake.

(2) Lake Huron grids 202, 301 through 306, and 401 through 403, except for those portions of grids 303 through 305 described in Section VIII(e) and seasonally as provided in Section VIII(f).

(3) Lake Superior grid 1646.

(b) Except as provided in sub. (a), above, and subs. (c) and (d), below, Tribal commercial fishing for walleye is prohibited.

(c) Possession of more than fifteen (15) pounds round weight of walleye per vessel per day caught in all 1836 Treaty waters not identified in sub. (a), above, is prohibited.

(d) Possession of more than fifteen (15) pounds round weight of walleye per vessel per day caught in the 1836 Treaty waters identified in sub. (a), above, during a closed season specified in this section is prohibited.

(e) In order to protect walleye spawning stocks, the following shall apply to Tribal commercial fishers in those waters in which walleye commercial fishing is permitted:

(1) In Lakes Michigan and Superior, fishing for walleye is prohibited during the period from 12:00 noon March 15 through 12:00 noon May 1.

(2) In Lake Huron, fishing for walleye is prohibited during the period from 12:00 noon March 15 through 12:00 noon May 15.

(f) Walleye less than fifteen (15) inches long caught in impoundment nets shall be returned to the water dead or alive. Possession of more than fifteen (15) pounds round weight of walleye less than fifteen (15) inches

long is prohibited. No undersized walleye shall be offered for sale.

(g) Retention of walleye caught in the trap net zones identified in Section VII is prohibited. All walleye caught in the trap net zones shall be returned to the water dead or alive.

Section XIV. Yellow Perch.

(a) Subject to the other provisions of these Regulations and the restrictions contained in this section, the following waters are open to Tribal commercial fishing targeting yellow perch:

(1) Lake Michigan grids 116, 117, 118, 218, 219, 615, 712, 713, 714, 715, 716, and the south half (S½) of grids 614 and 616, subject to the following restrictions:

(i) The area in grid 715 north and west of a line from the tip of Northport Point in a direct line to R"2" Bell buoy off Northport Point, then due west to the shore, is closed to commercial fishing for yellow perch.

(ii) Small mesh gill nets shall be limited to two and three-quarters (2.75) to three (3.0) inch stretch measure in the north half (N½) of grid 715 outside of the area described in sub.(I), above.

(iii) Small mesh gill nets shall be set in waters ninety (90) feet deep or less in grids 712, 713, and 714.

(iv) Small mesh gill nets shall be set in waters from twenty (20) to ninety (90) feet deep in grids 615 and 716, the south half (S½) of grids 614 and 616, and the portion of grid 715 outside the area described in sub. (I), above.

(v) Nets set for yellow perch in grids 712, 713, 714, 715, 716, 615, and the south half (S½) grids 614 and 616 shall be no more than six (6) feet in height and shall be set with the lead line on the bottom of the lake.

(2) The northeast quarter (NE¼) of Lake Michigan grid 508, and a narrow strip of water along the eastern part of the northwest quarter (NW¼) of grid 508 near St. Martins Island and described as follows: commencing at the eastern shore of St. Martins Island at forty-five degrees thirty minutes (45° 30') north latitude; then southward along the shore of St. Martins Island to its southernmost tip; then due south to the intersection of the Michigan-Wisconsin border; then southeastward to the intersection with the eighty-six degrees forty minutes (86° 40') west longitude; then northward along said longitude to the intersection with forty-five degrees thirty minutes (45° 30') north latitude; then westward along said latitude to the point of beginning.

(3) Lake Michigan grids 315 to 319 and that portion of grid 320 west of McGulpin Point except:

(i) St. James Harbor west of eighty-five degrees thirty minutes (85° 30') west longitude; and

(ii) In grid 318, that part east of a line from the westernmost tip of Waugoshance Point to the southeast corner of the grid.

(4) The portions of Lake Michigan grids 418 and 518 described as follows: the area bounded by a line from the church spire at Middle Village southward to a line running from Townline Road on the south to the Stuttsmanville Road tower to the north; then south along that line a distance of three (3) miles; then along a line paralleling the shore and three (3) miles from the shore to a point due west of the church spire at Middle Village; then east to the shore. The portion of this area in grid 418 shall be open to fishers from other Tribes as determined by Little Traverse in its discretion.

(5) Lake Huron grids 202, 301 through 306, and 401 through 403, except for those portions of grids 303 through 305 closed to tribal commercial fishing under Section VIII(e) and seasonally as provided in Section VIII(f).

(6) Lake Superior grid 1646.

(b) The following seasonal closures shall apply to Tribal commercial fishing for yellow perch:

(1) In order to protect yellow perch spawning stocks, fishing for yellow perch is prohibited during the period from 12:00 noon April 1 through 12:00 noon May 15 in those waters in which fishing for

yellow perch is permitted.

(2) In Lake Michigan, the north half (N½) of the southwest quarter (SW¼) of grid 316 shall be closed to yellow perch fishing from and including the Friday before Memorial Day through Labor Day;

(3) In grid 318 in Lake Michigan, the area east of a line from the westernmost tip of Waugoshance Island to the southeast corner of grid 318 shall be closed to yellow perch fishing from and including December 1 through March 31.

(c) Yellow perch fishing in the waters described in sub. (a)(3), above, shall be subject to the following restrictions:

(1) Yellow perch fishing shall be pursued in water depths between twenty (20) and ninety (90) feet.

(2) Nets set for yellow perch shall be no more than six (6) feet in height and shall be set with the lead line on the bottom of the lake.

(d) Except as provided in sub. (a), above, and subs. (e) and (f), below, commercial fishing for yellow perch is prohibited.

(e) Possession of more than fifteen (15) pounds round weight of yellow perch per vessel per day caught in all 1836 Treaty waters not identified in sub. (a), above, is prohibited.

(f) Possession of more than fifteen (15) pounds round weight of yellow perch per vessel per day caught in the 1836 Treaty waters identified in sub. (a), above, during a closed season specified in this section is prohibited.

(g) Yellow perch less than eight (8) inches long caught in impoundment nets shall be returned to the water dead or alive. Possession of more than fifteen (15) pounds round weight of yellow perch less than eight (8) inches long is prohibited. No undersized yellow perch shall be offered for sale.

(h) Retention of yellow perch caught in the trap net zones identified in Section V is prohibited. All yellow perch caught in the trap net zones shall be returned to the water dead or alive.

Section XV. Other Species.

(a) The commercial harvest of lake trout, salmon, walleye, yellow perch, whitefish, bloater chubs, menominee, lake herring, and any other species is authorized unless specifically prohibited in Section XVI.

(b) *Whitefish*. Whitefish less than seventeen (17) inches long shall be returned to the water immediately if alive. Possession of more than fifty (50) pounds round weight of undersized whitefish is prohibited. No undersized whitefish shall be offered for sale.

(c) *Lake Herring*. In order to protect lake herring spawning stocks, the following shall apply to Tribal commercial fishers during the period from 12:00 noon November 15 through 12:00 noon December 15:

(1) Fishing for lake herring is prohibited.

(2) Possession of more than four hundred (400) pounds round weight of lake herring is prohibited.

Section XVI. Prohibited Species.

(a) The following fish species shall not be targeted for harvest or offered for sale or exchange when taken as bycatch during commercial fishing activities: muskellunge (except in Lake Michigan), splake, brown trout, brook trout, rainbow (steelhead) trout, Atlantic salmon, largemouth and smallmouth bass, and northern pike. Retention of such species when taken as bycatch during commercial trap net fishing is prohibited. Retention of more than twenty-five (25) pounds round weight per vessel per day of such species as bycatch during commercial gill net fishing is prohibited.

(b) The following fish species shall not be targeted for harvest or offered for sale or exchange when taken as a bycatch during commercial fishing, and any catch shall immediately be returned to the water if alive or, if not alive, shall be turned in to the BSD, Tribal biological staff, or the nearest Michigan Department of Natural Resources field office and shall not be retained in possession: lake sturgeon, muskellunge (Lake Michigan only), and any fish species listed as threatened or endangered under the Federal Endangered Species Act.

Part Five: Non-commercial Fishing

Section XVII. Recreational Fishing.

Tribal members may engage in recreational fishing in the 1836 Treaty waters subject to the bag limits, seasons, size limits, closed areas, and gear and method restrictions applicable to recreational fishers licensed by the State of Michigan. Tribal members engaged in recreational fishing must have a Tribal membership identification card in their possession, but no further license is required.

Section XVIII. Tribal Charter Boat Operations.

(a) Any Tribe which authorizes or conducts a charter boat operation shall adopt safety inspection standards for its charter operations substantially similar to those that exist under current State law for vessels carrying passengers for hire.

(b) Customers of Tribal charter operations who are not members of one of the Tribes shall be subject to applicable State law including, but not limited to, licensing requirements, rod limits, size and bag limits, daily possession limits, and seasons.

(c) Any Tribal charter boat operation shall report its charter boat harvest, including the number and weight of species caught by recreational fishers, and areas fished, to the State in accordance with provisions applicable to state-licensed charter boat operations.

Section XIX. Subsistence Fishing.

(a) The following are permitted gear for tribal subsistence fishing activity: impoundment gear, hooks, spears, seines, dip nets, and a single large mesh or small mesh gill net as regulated in this section.

(b) Each gang of gill nets or impoundment nets used in subsistence fishing activity shall be marked at each end with an orange float equivalent to at least a one (1) gallon jug in size bearing the Tribal ID number of the subsistence fisher.

(c) Tribal fishers who engage in subsistence fishing shall obtain a subsistence fishing license issued by their Tribe, and shall abide by all provisions of these Regulations and applicable Tribal regulations governing subsistence fishing. In addition, no Tribal member shall engage in subsistence fishing with gill nets or impoundment nets without a Tribal permit which shall be limited both in duration and in the area where the fishing may occur. The Tribal member shall abide by the limitations contained in the permit.

(d) Subsistence fishers shall be limited to one hundred (100) pounds round weight aggregate catch of all species in possession.

(e) Subsistence fishers shall not sell or otherwise exchange for value any of the catch.

(f) Subsistence gill netting is limited to one (1) net of three hundred (300) feet or less per vessel per day, except that in the St. Marys River, as described in Section VIII(a), a single gill net shall not exceed one hundred (100) feet in length. The tying together of single gill nets to form a gang of nets is prohibited.

(g) Subsistence fishing is authorized in all 1836 Treaty waters, except:

(1) Subsistence fishing with gill nets is prohibited in all lake trout refuges, and retention of lake trout taken with any gear in lake trout refuges is prohibited.

(2) Subsistence fishing gear shall not be set in a manner which completely blocks or entirely prevents the free passage of fish into and out of streams that flow into 1836 Treaty waters.

(3) There shall be no subsistence fishing with nets:

(i) Within one hundred (100) yards of any break wall or pier; or

(ii) Within a three-tenths (0.3) mile radius of the mouth of the streams listed in Section VIII(h).

(iii) In any tribal zone where fishing with all types of nets has been closed.

(h) Subsistence fishing with large mesh gill nets and impoundment nets is prohibited during the period from 12:00 noon November 6 through 12:00 noon November 29.

- (i) In Little Bay de Noc, Lake Michigan, subsistence fishers shall not use gill nets or possess walleye beginning March 1 through May 15 in the waters of grid 306 north of an east-west line drawn through Saunders Point.
- (j) In Big Bay de Noc, Lake Michigan, subsistence fishers shall not use gill nets or possess walleye beginning March 1 through May 15 in the waters of grids 308 and 309 north of a line from St. Vitals Point to the northernmost tip of Garden Bluff.
- (k) Lake sturgeon, muskellunge (in Lake Michigan), and any species of fish listed as threatened or endangered under the federal Endangered Species Act shall not be targeted for harvest, and any catch of such fish shall be returned to the water alive or, if not alive, shall be turned into the BSD or Tribal biological staff and shall not be retained in possession.
- (l) All subsistence fishers who engage in any fishing activity under this section shall file catch reports with their Tribe as provided in Section XXII(b).
- (m) No subsistence fisher shall set a gill net within fifty (50) feet of another gill net.

Part Six: Licenses and Information

Section XX. License and Registration Definitions and Restrictions.

- (a) A commercial fishing captain license entitles the holder to operate a fishing boat and to participate fully in all commercial fishing activities, including the capture and sale of all species pursuant to these Regulations. It further entitles the holder to employ helpers in such activities. Fees for such licenses may be set by individual Tribes. The license shall be valid during the calendar year for which it is issued.
- (b) A commercial fishing helper license entitles the holder to assist the holder of a commercial fishing captain license in commercial fishing activities. Fees for such licenses may be set by individual Tribes. The license shall be valid during the calendar year for which it is issued.
- (c) A subsistence fishing license entitles the holder to engage in fishing activities for subsistence purposes. Fees for such licenses may be set by individual Tribes. The license shall be valid during the calendar year for which it is issued.
- (d) A commercial fishing vessel registration is necessary in order for any vessel to be utilized for commercial fishing. Anyone with a valid commercial fishing captain license may operate a properly registered commercial fishing vessel. Fees for such licenses may be set by individual Tribes.
- (e) A member of a Tribe who engages in recreational fishing shall not be required to have in his or her possession a fishing license but must have tribal identification in his or her possession at all times.
- (f) No holder of a commercial fishing captain license, commercial fishing helper license, or commercial fishing vessel registration shall fish as an employee of or for shares with a person not licensed to exercise treaty fishing rights. This prohibition shall be liberally interpreted to prohibit a licensee from exercising treaty fishing rights for the benefit of non-Indians.
- (g) A member of a Tribe who engages in recreational fishing shall not be required to have in his or her possession a fishing license but must have tribal identification in his or her possession at all times.
- (h) Except as provided in Section VII(b)(2)(vi), no Tribe shall issue a commercial fishing captain license or a commercial fishing vessel registration to a person who also holds a license or permit of any kind issued by the State of Michigan for commercial fishing.

Section XXI. License Regulations.

- (a) No member of a Tribe sixteen (16) years of age or older may engage in fishing activity within the Treaty ceded waters without having in his or her possession at all times a commercial fishing captain license countersigned under 25 C.F.R. Part 249, a commercial fishing helper license countersigned under 25 C.F.R. Part 249, or a subsistence license issued in accordance with these regulations, or, if engaged in recreational fishing, a tribal identification.

(b) No member of a Tribe may allow a person who does not possess a valid fishing license as required by subsection (a) of this section to aid or assist him or her while engaged in any fishing activity authorized by this Code; provided, however, that a validly licensed member of a Tribe may employ the consulting technical expertise of a non-member by obtaining a permit therefor from GLRC, which permit may not extend for more than one calendar year and may not be renewed for more than one additional year. Such permit shall list the name and address of the consultant, the type of fishing operation to which consultation will be provided, and the name and size of the vessel on which consultation will be provided. No such permit may be issued under any of the following circumstances:

- (1) The consultant has an ownership interest in the vessel which the member seeks to utilize; or
- (2) The consultant has an ownership interest in the fishing gear which the member seeks to utilize; or
- (3) The consultant's payment for services from the member is based on a percentage of the member's proceeds from fishing activity.

(c) The license, permit or identification required by subsections (a) and (b) of this section shall be shown to any Enforcement Officer who makes a request therefor.

(d) Each boat which is used by a member of the Tribes for fishing activity shall have affixed to it in a clearly visible manner the number of the commercial fishing vessel registration issued by a Tribe. Each snowmobile or off road vehicle which is used by a member of a Tribe for fishing activity shall have affixed to it in a clearly visible manner a valid Tribal or State of Michigan snowmobile or off road vehicle registration.

(e) Each boat which is used by a member of a Tribe for commercial fishing activity must have on board at all times at least one person with a valid commercial fishing captain license.

Section XXII. Harvest Reporting and Sampling.

(a) Each person to whom a commercial fishing captain license has been issued shall file with his or her Tribe an accurate report of his or her harvest for each calendar month not later than the tenth (10th) day of the following month. This requirement will be satisfied if the licensee who is in charge of the fishing vessel files a single report listing the names and license numbers of all licensed fishers who worked on the vessel at any time during the previous month.

(1) Harvest reports shall be filed with the designated office of the Tribe that has issued the license. A Tribe may designate the BSD as the recipient of its catch reports.

(2) The report shall be submitted on forms developed for that purpose by the BSD, and each report shall include, for each day of fishing activity:

- (i) the kind of gear used, including mesh size and total length of net lifted or number of impoundment nets lifted;
- (ii) the depth and location of fishing activity by grid number;
- (iii) the total pounds of each species landed;
- (iv) whether the fish were sold round or dressed;
- (v) the fisher's license number;
- (vi) the date of the activity; and
- (vii) any other information required.

(3) The holder of a commercial fishing captain license who does not fish during a month shall file a report of "no fishing."

(4) Catch reports filed by individual Tribal fishers are confidential and protected from disclosure. CORA shall not divulge the name of any reporting fisher or release a catch report except as required by an order from the appropriate Tribal court.

(b) Each person to whom a subsistence fishing license has been issued shall file with his or her Tribe an accurate report of his or her harvest for each calendar month not later than the tenth (10th) day of the following month.

- (1) Harvest reports shall be filed with the designated office of the Tribe that has issued the license. A Tribe may designate the BSD as the recipient of its catch reports.
- (2) The report shall be submitted on forms developed for that purpose by the BSD, and each report shall include, for each day of fishing activity:
- (i) the type and amount of gear used;
 - (ii) the location of fishing activity by grid number;
 - (iii) the total pounds round weight of each species landed;
 - (v) the fisher's license number and, if nets were used, the fisher's permit number;
 - (vi) the date of the activity; and
 - (vii) any other information required.
- (3) The holder of a subsistence fishing license who does not fish during a month shall file a report of "no fishing."
- (4) Catch reports filed by individual Tribal fishers are confidential and protected from disclosure. CORA shall not divulge the name of any reporting fisher or release a catch report except as required by an order from the appropriate Tribal court.
- (c) A tribally licensed commercial fishers shall issue a bill of sale to any retail outlet purchasing fish from such fisher. The bill of sale shall be on a form developed by the BSD for that purpose which shall contain the name of the Tribal fisher; the number and pounds, by species, of fish sold; the date of sale; and the signature of the fisher.
- (d) Tribally licensed commercial fishers selling fish to any state- or Tribally-licensed fish wholesaler shall furnish the wholesaler with the name of the seller, the seller's address and license number, the date of the sale, and the signature of the fisher on the state or Tribal wholesale fish record of purchase.
- (e) Any Tribally-licensed fish wholesaler shall furnish written reports of all purchases of fish on a form developed by the BSD for that purpose, indicating the name of the seller; the date; the seller's license number; the number and pounds of each species sold; and the price paid for each species. Tribally-licensed wholesale fish dealers shall require identification from each seller of fish. A Tribally-licensed wholesale fish dealer shall purchase fish only from a State or Tribally licensed commercial fisher, or other legal source of fish. A copy of the report shall be mailed by the Tribally-licensed fish wholesaler to CORA by the tenth (10th) day of the month following the month in which the transaction occurred.
- (f) Any catch shall be subject to reasonable biological sampling by Tribal biologists or the BSD to obtain information required for conservation and management purposes. If such sampling impairs or destroys the market value of the sampled fish, a reasonable value for the loss shall be paid to the fisher.

Section XXIII. Assessment Fishing.

Notwithstanding the other provisions of these Regulations, assessment fishing may be conducted by Tribal commercial fishers under permit from CORA or the state. Such assessment fishing by commercial fishers, except that conducted by the United States, shall be limited by the following, except as may be otherwise approved by the state, the federal government, and the Tribes:

- (a) Tribal commercial fishers shall not be conduct assessment fisheries in areas otherwise closed to Tribal commercial fishing under Section VIII.
- (b) If an assessment conducted by commercial fishers will harvest a species in an area where commercial fishing for that species is prohibited by these Regulations, or will use gill nets in an area where the commercial use of such gear is otherwise prohibited by these Regulations, the assessment shall be limited to a single operation using no more than 6,000 feet of large mesh gill net, small mesh gill net, or graded mesh gill net, as appropriate.

Part Seven: Regulation and Enforcement

Section XXIV. Tribal Regulations.

- (a) Each of the Tribes may promulgate regulations necessary to implement those portions of the Management Plan or Consent Decree which apply to that particular Tribe only, or which affect it in ways that are not reflected in the Tribal Code.
- (b) Each of the Tribes may promulgate additional and different regulations governing its members which are more restrictive than the provisions of the Tribal Code, provided that the regulations comply with the Management Plan and Consent Decree and do not involve matters that require uniformity among the Tribes.
- (c) The violations of any Tribal regulation adopted as provided in this section is prohibited.

Section XXV. Orders of the Director.

- (a) The Director shall issue emergency orders closing, curtailing, or otherwise restricting fishing activity by Tribal fishers when substantial harm to the resource is imminent and the need for immediate action is evident. Such an emergency order, unless rescinded by the Director, shall remain in effect until forty-five (45) days from the date of issuance or until GLRC has acted upon the matter, whichever shall first occur.
- (b) The Director shall have the authority to close fishing by members of any Tribe, or to implement other regulations authorized by or consistent with the Consent Decree, Management Plan, and these Regulations necessary to prevent that Tribe or its fishers from violating the provisions of the Consent Decree, Management Plan, these Regulations, or decisions of GLRC or the Director made in accordance with the Management Plan.
- (c) The violation of any order of the Director issued in accordance with this section is prohibited.

Section XXVI. Jurisdiction and Enforcement.

- (a) Jurisdiction to enforce these Regulations upon members of each Tribe is vested exclusively in the tribal court of that Tribe.
- (b) Except for the provisions of Section XXVII, these Regulations are civil in nature. Violations may be punished by suspension or revocation of the fishing license or permit of the violator, assessment of a monetary penalty, forfeitures as set forth in subs. (c), (d), and (e), below, without the necessity of a separate forfeiture action, and any other penalty provided for by the civil or criminal code of the Tribe for violations within its jurisdiction.
- (c) Violations of the regulations listed below shall be major violations and shall be punished by license or permit suspension for not less than thirty (30) days, a fine of not less than \$250.00, forfeiture of the catch, and such additional penalties as the tribal court may order:
 - (1) Commercial fishing for species listed in Section XVI;
 - (2) Commercial fishing for a fish species during the closed season for that species in the area of the fishing activity;
 - (3) Commercial fishing in an area closed to that activity as specified in Section VIII;
 - (4) Fishing with gear prohibited by any order of the Director order authorized by Section XXV, and subsequent order or amendment of these Regulations adopted by GLRC., or as prohibited by Section XI(a)(2) or Section XI(b)(5); and
- (5) Engaging in commercial fishing activity without first having obtained a valid commercial fishing captain license or commercial fishing helper license, as required by these Regulations.
- (d) All fish, eggs, or parts of fish taken, possessed, sold, purchased, offered for sale or purchase, or transported, delivered, received, carried, shipped, exported, or imported contrary to these Regulations shall be subject to seizure and shall be forfeited to the appropriate tribal court.
- (e) All traps, nets and other equipment, vessels, snowmobiles, vehicles, and other means of transportation used to aid in the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivery, receiving, carrying, shipping, exporting, or importing any fish, eggs, or parts of fish in violation of these Regulations shall be subject to seizure and may be forfeited by the appropriate tribal court.

(f) The Tribes shall accept and prosecute all alleged violations of these Regulations referred to them by enforcement officers.

(g) Any enforcement officer may:

- (1) Detain for inspection and inspect any package, crate, box, or other container, including its contents and all accompanying documents or tags, at reasonable times.
- (2) Arrest without warrant any person committing in his or her presence or view a violation of Section XXVII.
- (3) Execute any process for enforcement of the provisions of these Regulations.
- (4) Search any place reasonably related to fishing activity, with or without a warrant, as authorized by state law.
- (5) Seize, with or without warrant, any article which may be subject to forfeiture under subs. (c), (d), and (e), above, or which may be required as evidence of a violation of these Regulations, if the violation occurs in his or her presence; provided, however, that any such articles seized shall be delivered within forty-eight (48) hours of the time of seizure into the custody of the tribal court of the Tribe which has licensed or permitted the fisher who has violated these Regulations.

Section XVII. Criminal Provisions.

(a) It shall be a criminal offense for any person to commit any of the following acts:

- (1) Assault, resist, oppose, impede, intimidate, bribe, attempt to bribe, or interfere with an enforcement officer engaged in enforcing these Regulations.
- (2) Violate any license or permit suspension or revocation ordered by a tribal court under Section XXVI.
- (3) Commit any contempt in the presence of the tribal court.
- (4) Violate any court order.
- (5) Damage or steal nets or equipment belonging to another fisher, or steal from another fisher's nets.
- (6) Possess a firearm which engaging in any fishing activity under these Regulations.

(b) Criminal offenses shall be punishable by a fine not to exceed \$5,000.00 or imprisonment not to exceed one year, or both. In addition, the forfeiture provisions of Section XXVI(d) and Section XXVI(f) shall apply to those convicted of criminal offenses.

Part Eight: Access

Section XXVIII. Use of Access Sites.

(a) Fishers issued licenses or permits under these Regulations, including subsistence fishers, are authorized to use access sites which are subject to permits issued by agencies of the State of Michigan and the United States to the Chippewa-Ottawa Treaty Fishery Management Authority(COTFMA), predecessor to CORA, and sites acquired by COTFMA from private parties, as well as such sites as CORA may receive permits for or acquire. Sites may be used for putting boats into and pulling boats out of the water, for docking facilities, and for parking of vehicles.

(b) The following regulations apply to the use of such access sites, in addition to any restrictions or requirements that may be set forth in the applicable permit:

- (1) All vehicles shall be parked in the designated parking areas only.
- (2) Equipment, with the exception of boat trailers, shall not be left on site overnight.
- (3) Sites shall be maintained in a neat and orderly fashion with all garbage and refuse disposed of properly.
- (4) Littering is prohibited.
- (5) Cleaning of fish or fish disposal is prohibited.

- (6) Maintenance of equipment on site is prohibited.
- (7) Damage to trees, signs, and improvements is prohibited.
- (8) Overnight camping and overnight housing are prohibited.
- (c) Violations of this section are subject to the jurisdiction and enforcement provisions of Section XXVI and, in addition, may result in revocation or denial of permission to use access sites and an order of restitution for any damage caused.

CHAPTER 5. HEARING PROCEDURES

R500-01:NR-05

5-1-1. *Definitions.* The following terms are defined for purposes of this regulation.

- a. The word “shall” is always mandatory and not merely advisory.
- b. “*Commission*” means the Little River Band Natural Resource Commission.
- c. “*Contested case*” means any request for a hearing brought by a person appealing:
 1. a license or permit suspension, denial, revocation or other action; or
 2. the issuance of a citation for violation of the Ordinances or Regulations promulgated by the Natural Resource Commission; or
 3. the issuance of Commission regulations, emergency regulations, orders, or directives alleged to be, unconstitutional, vague, beyond the scope or authority of the Commission, or for other like reasons.
- d. “*Hearing*” means a contested case hearing before the Natural Resource Commission.
- e. “*Hearing Officer*” means the presiding officer responsible for conducting a Commission hearing. The Hearing Officer shall be the Chairperson of the Commission or another Commissioner designated by proper motion of the Commission.

5-1-2. *Scope of Regulation.* This regulation shall apply in every contested case hearing that is permitted or required by the Natural Resource Commission Ordinance.

5-1-3. *Public Hearing.*

- a. All hearings of the Commission shall be open to the public, unless, for good cause shown, the Commission, by properly adopted motion, determines the hearing, or any portion thereof, shall be conducted in closed session.
 1. For any hearing, or portion of a hearing, closed by motion of the commission, legal counsel to the Commission shall certify in writing that, in their opinion, the hearing legally may be closed to the public and shall present the reasons for support of the closure.
 2. A copy of such certification shall be entered into the record of the proceeding.
- b. Insofar as possible, the Commission shall hold hearings on the weekday generally established for Commission meetings; and the Commission shall provide public notice of the hearing on the Commission’s agenda.
- c. If a scheduled hearing is cancelled or postponed to a later date, the Commission shall provide as much timely notice as possible to the plaintiff and respondent parties to the proceeding; and such postponement shall be noted on the Commission’s next agenda, together with the tentative date, time, and place of the rescheduled hearing.

5-1-4. *Filing of Request for a Hearing.* The filing of any submission sufficient to trigger the a hearings process of the Commission is complete upon the Commission when the Commission receives, either by mail, in-hand delivery, or other means of delivery sufficient to serve notice upon the Commission, a submission or paper requesting a hearing.

- a. The Commission shall afford an opportunity for hearing without undue delay.

5-1-5. *Notice of Hearing.* The Commission shall serve notice up all persons necessary to the hearing.

- a. All parties to any contested case shall be given reasonable notice of the hearing, but in no case less than 14 days notice.
- b. Persons entitled to notice of a Commission hearing shall be timely informed of the following:
 1. Date, time, place, and nature of the hearing; in fixing the time and place of the hearing, the Commission shall give due regard to the convenience and neccessity of the parties or their representatives.

2. Legal authority and jurisdiction under which the hearing is to be held.
- c. Notice of the hearing may be effected by
 1. in-hand delivery of LRB Enforcement Officers, or other person certified to do so by the Natural Resource Commission;
 2. Via certified mail, return receipt requested; or
 3. Substitute service, by publication for a 3 consecutive publication dates in a newspaper of general circulation in or around the last known residence of the party.
- 5-1-6. *Intervention.* The Commission shall apply informal and liberal rules of intervention as fairness dictates.
- 5-1-7. *Allegation of Bias.* All hearing of the Commission shall be conducted in a unbiased manner.
 - a. A Commissioner shall recuse himself from a hearing if a private party before the Commission in that hearing is related by blood as a grandfather, grandmother, father, mother, spouse, brother, sister, uncle, aunt, niece, nephew, son, daughter, or grandchild; or the person before the Commission lives in the same household as the Commissioner. This provision shall not apply to in-law relationships.
 - b. Upon a filing in good faith by a party of a timely charge of bias, or of personal or financial interest, direct or indirect, against any commissioner, requesting that that person disqualify himself, the Commissioner personally shall determine that matter on the record, or may defer the decision to a proper motion of the Commission.
- 5-1-8. *Opportunity to Be Heard.*
 - a. Every party shall have the right to present their case or defense by oral and documentary evidence, to submit rebuttal evidence, to present witnesses, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
 - b. The Commission shall consider extensions of time, when requested in writing no later than 5 calendar days before the date set for the hearing, and when time, the nature of the hearing, and the public interest permit;
 - c. Private parties before the Commission may be represented by counsel at the party's own expense.
- 5-1-9. *Witness Testimony.* All witnesses shall be sworn.
- 5-1-10. *Burden of Proof.* In contested cases, the proponent of a license or permit denial or revocation, or citation shall have the burden of proof.
- 5-1-11. *Rules of Evidence.* No formal rules of evidence shall be required.
 - a. The Commission shall admit oral or documentary evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.
 - b. The Commission shall have the authority to exclude irrelevant, immaterial, and unduly repetitious evidence.
 - c. The Commission may utilize its experience, technical and cultural competence, and specialized knowledge in the evaluation of evidence presented to it.
 - d. No written testimony shall be admitted unless the author is available at the hearing for questioning by the Commission and the opposing party.
- 5-1-12. *Notice of Facts.* The Commission may take notice of any facts of which judicial notice could be taken, and may take official notice of general, technical, scientific, or cultural matters within the specialized knowledge of the Commissioners, or of laws, Resolutions, Ordinances, or Regulations; and nonconfidential Commission or Tribal records.
 - a. Facts officially noticed shall be included and indicated as such in the hearing record.
- 5-1-13. *Rules of Procedure.* To ensure an orderly, fair, unbiased, and balanced hearing, the Commission shall require all parties and observers at any contested case hearing to observe the following rules of

decorum.

- a. The Chairperson, or Chairperson's designated representative who is conducting the hearing, shall recognize each speaker before the Commission. Persons speaking without being recognized by the officiating Commission shall be determined to be out of order, and may be requested to remove themselves from the proceeding.
- b. A speaker who has the floor shall not be interrupted during their address to the Commission.
- c. Each speaker shall state their name and address for the record and may present written comments for the record.
- d. Speakers shall address all comments to the Commission and not to the other party.
- e. The officiating Commissioner may establish additional rules of procedure for particular hearings, upon agreement by motion of the Commission.
- f. Normal civil discourse and decorum shall be observed at all times. There shall be no applause, shouting, pointing of fingers, outbursts, name-calling, or provocative speech or behavior. The presiding Commissioner shall have the authority to designate any behavior to be disruptive and to request that the person exhibiting the behavior remove themselves from the hearing, or to order the person to be removed.
- g. The Commission may vary any rule prescribed by this hearing regulation if the parties agree to such limitation or variation, or if no prejudice to either party will result.

5-1-14. *Hearings Recorded.* The Commission shall record all hearings in a form susceptible to transcription.

- a. The Commission shall make available, at a nominal cost, a copy of the record of the hearing to any party making such a request to pursue an appeal of the Commission final decision.
- b. The Commission shall make available during normal business hours a copy of the record of the hearing for inspection by any person.

5-1-15. *Decision on the Record.* All material, including records, reports, and documents in the possession of the Commission, of which the Commission avails itself as evidence in making a decision, shall be made a part of the record, and no other factual information or evidence shall be considered in rendering a decision.

- a. Every decision and order rendered by the Commission in a contested case shall be in writing and shall be accompanied by findings of fact and conclusions of law, and the reasons or basis therefore, sufficient to apprise the parties and any interested member of the public of the basis for the decision.
 1. The findings and conclusions shall be supported by and in accordance with the reliable, probative, and substantial evidence produced or entered into evidence at the hearing.
 2. The decision of the Commission shall present the appropriate rule, order, sanction, relief, or denial, as requested.
- b. The Commission shall have the authority to dispose of any contested case in the following manners, as warranted, for the expeditious disposition of any proceeding:
 1. Entry of decision by stipulation, agreed settlement, or consent order;
 2. Entry of decision of default, subject to the following conditions:
 - A. Upon failure of a respondent to appear at the time stated in the hearing notice, the plaintiff may proceed to offer evidence. The Commission may enter an Order of Default upon a proper showing of sufficient evidence.
 - B. Upon failure of the plaintiff, without just cause, to appear at the time set for the hearing, the Commission shall dismiss the proceeding with prejudice.
 - C. Within 14 calendar days, the Commission may set aside any default judgment for good cause shown.
- c. A copy of the final decision shall be delivered promptly mailed, via certified mail, return receipt requested, to each party to the proceeding or their representative

d. The commission shall provide, with the decision, written notice of the party's rights to review or appeal of the commission's decision to the Tribal Court, and of any action required and the time within which such action must be taken in order to exercise the right of appeal.

5-1-16. *Ex Parte Communication Prohibited.*

a. In any Commission matter that is set for a hearing, no Commissioners may communicate directly or indirectly in connection with any issue of fact, law or procedure, with any party or other persons legally interested in the outcome of the proceeding, except upon notice an opportunity for all parties to participate.

b. A Commissioner who receives, or who makes, or who knowingly causes to be made, a communication prohibited by this section, shall place on the public record of the proceeding:

1. All such communication that are in writing;
2. A memorandum stating the substance of all such verbal communication; and
3. A statement as to whether the Commissioner or other person believes that their judgment in matter subject to the proceeding has been tainted; and
4. Whether the Commissioner or other person involved in the proceeding intends to recuse them from active involvement in the proceeding.

c. Nothing in this section precludes any Commission from discussing any pending matter with another Commissioner, or having the aid and advice of Commission staff or legal counsel.

5-1-17. *Appeal to Tribal Court.* Any person aggrieved by final judgment or order of the Natural Resource Commission, in any case, shall entitled to appeal to the Tribal Court, provided that a notice of appeal is filed, in writing, with the Clerk of the court within 10 days after the Commission judgment is entered.

5-1-18. *Stay of Commission Decision.* Filing of a petition for review shall not in itself stay enforcement of the order or decision of the Commission. The Commission may grant a stay upon appropriate terms during the pendency of an appeal.

5-1-19. *Documents to Be Forwarded to Tribal Court on Appeal.* The Commission, upon receipt of notice by the Tribal Court Clerk that an appeal has been filed, shall cause to be copied and to be submitted the complete record of the Commission hearing.

5-1-20. *Tribal Court Decision.* The Tribal Court shall have jurisdiction to decide:

- a. Only relevant questions of law, interpret constitutional and statutory provisions; provided that the Court shall give substantial deference to the interpretation by the Natural Resource Commission of the Commission's Ordinances, Regulations, License, and permits;
- b. To compel Commission action unlawfully withheld or unreasonably delayed; and
- c. To hold unlawful and set aside any Commission action or findings and conclusions found to be:
 1. Arbitrary, capricious, and abuse of discretion, or otherwise unsupported by substantial evidence in the record;
 2. Contrary to constitutional right, power, privilege, or immunity;
 3. In excess of the Commission's statutory jurisdiction and authority;
 4. Without observance of procedure required by law, including any applicable procedure provided by this Regulation; or¹

¹ This is the end of these regulations. This subsection should probably end with a period prior to the semi-colon.